

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 1069 OF 2003

PADMAKAR BHAVDU PATIL

Appellant (s)

VERSUS

YAMUNABAI PANDIT PATIL & ANR.

Respondent(s)

(With office report)

Date: 17/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. Arun Pednekar,Adv.
Mr. V.N. Raghupathy,Adv.

For Respondent(s)

Mr. Sudhanshu Chaudhary,adv.
Mr. Sanjay Kharde,Adv.
Ms. Asha G.Nair,Adv.
Mr. Ravindra Keshavrao Adsure,Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is disposed of.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1069

OF 2003

PADMAKAR BHAVDU PATIL

.. APPELLANT(S)

vs.

YAMUNABAI PANDIT PATIL & ANR. ..

RESPONDENT(S)

O R D E R

We have heard the learned counsel for the parties
very carefully.

The appellant is the brother-in-law of the complainant who has in the meanwhile passed away, leaving no legal heirs. We have gone through the concurrent judgments of conviction recorded by the three courts below under Sections 420, 465 and 471 of the Indian Penal Code whereby a sentence of three months for the first two offences and six months for the third offence was imposed, all sentences to run concurrently.

We have considered the arguments advanced by the learned counsel for the appellant and find that the offence under Section 420 of the I.P.C. is not made out, but the concurrent findings of the fact recorded by the three Courts with respect to the conviction of the appellants for the offences under Sections 465 and 471 of the IPC is justified.

-2-

However, in the background that the complainant is dead and the parties are very closely related to each other and the matter has been pending for almost 30 years as of today and as per the parties the price of the property was Rs.5,000/-, we are of the opinion that the sentence of imprisonment imposed under Sections 465 and 471 needs to be set aside and a fine of Rs.5,000/- for each of the two offences making a total of Rs. 10,000/- is required to be substituted. The fine must be deposited in the Trial Court within four months from today. In default of payment of fine, the sentence imposed by the High Court shall enure.

With this modification, the judgment of the High Court is maintained.

The appeal is disposed of accordingly.

.....J.
(HARJIT SINGH BEDI)

.....J.
(T.S. THAKUR)

New Delhi,
February 17, 2010.