

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 4600/2015

(Arising out of impugned final judgment and order dated 23/06/2011 in CRLA No. 431/2006 passed by the High Court of Karnataka Circuit Bench at Dharwad)

BASAPPA Petitioner(s)

VERSUS

STATE OF KARNATAKA Respondent(s)

(With prayer for interim relief and office report)

Date : 21/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. Sharana Gouda Patil, Adv.
For M/s S-legal Associates, Advvs.

For Respondent(s) Mr. V.N. Raghupathy, A.O.R.

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

Leave granted.

Appeal stands disposed of in terms of the
signed order.[KALYANI GUPTA]
COURT MASTER[SHARDA KAPOOR]
COURT MASTER

Signature Not Verified

[SIGNED ORDER IS PLACED ON THE FILE.]

Digitally signed by
Kalyani Gupta
Date: 2015.10.01
16:16:00 IST
Reason:IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL NO. 1242 OF 2015
[ARISING OUT OF SLP(CRL) NO. 4600 OF 2015]

BASAPPA APPELLANT

VERSUS

STATE OF KARNATAKA RESPONDENT

O R D E R

Leave granted.

2. We have heard learned counsel for the appellant and the counsel for the State.

3. On merits of the case, we do not find any scope to interfere with the impugned judgment of the High Court by which A2 and his son A1 were convicted for offences under Sections 342 and 332 of the Indian Penal Code. The appellant obstructed P.W. 1, the Police Constable from executing the arrest warrant as against A1 who is none other than the son of the appellant. In the course of such obstruction, the appellant also beat the Police Constable, scolded him and the buttons of the shirt of the Constable was also torn. However, we find that the

PAGE NO. 1 OF 2

Crl.A. No..... of 2015 @ SLP(Crl) No. 4600 of 2015

occurrence took place on 1st February, 2005 when the appellant was 60 years old and as of today the appellant is 70 years of age. In fact while entertaining this Special Leave Petition, after condoning the delay of more than three years, we issued notice confining to the question of sentence only as we do not find any scope to interfere with the judgment of the High Court. In fact as against A1 at the very admission stage, the Special Leave Petition was dismissed. In the facts and circumstances, taking into account the age of the appellant, we deem it appropriate to modify the sentence and instead of six months as awarded by the High Court, the same stands reduced to three months. In all other respects, the judgment of the High Court is confirmed.

4. The appeal stands disposed of. It is directed that the appellant shall surrender forthwith.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[UDAY UMESH LALIT]

NEW DELHI
SEPTEMBER 21, 2015.

PAGE NO.2 OF 2