

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

Petition(s) for Special Leave to Appeal (Cr1) No(s).5367/2011

(From the judgement and order dated 08/02/2011 in
of The HIGH COURT OF KERALA AT ERNAKULAM)

CRLA No. 965/2003

P.K.NARAYANAN

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(With appln(s) for bail and office report)

Date: 14/11/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. K.P. Rajagopal, Adv.
Mr. A.Venayagam Balan, Adv.
Mr. Sbdul Kalam Bagadur, Adv.

For Respondent(s) Mr. M.T. George, Adv.

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

Leave granted.

Appeal is allowed in part in terms of the signed
order.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2096 OF 2011
(Arising out of S.L.P. (Cr1) No. 5367 NO. 2011)

P.K.NARAYANAN

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

O R D E R

Leave granted.

2. The appellant was prosecuted under Section 55(a) of
the Kerala Abkari Act (for short 'the Act') for having been
found in possession of 91 packets of arrack. Each packet

contained 100 ml capacity. In other words, the appellant was found in possession of 9 litres of arrack. On completion of trial, the Additional Sessions Judge (Ad hoc-I), Kasaragod, convicted the appellant for the offence punishable under Section 55(a) of the Act and sentenced him to undergo rigorous imprisonment for three years and pay fine of Rs. 1 Lakh (Rupees One Lakh) and in default to undergo further rigorous imprisonment for six months.

3. The appellant challenged his conviction and sentence in appeal before the High Court of Kerala. The High Court, vide judgment dated February 8, 2011, dismissed the appeal. Against the above two judgments, the present Appeal has been preferred.

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4. We have carefully considered the evidence and are of the view that the appellant's conviction under Section 55(a) of the Act does not suffer from any illegality or infirmity justifying interference by us.

5. However, having regard to the entire facts and circumstances of the case including the fact that the appellant has not been convicted earlier for the similar offence, in our opinion, interest of justice shall be subserved if the substantive sentence is reduced to a period of six months rigorous imprisonment while maintaining the payment of fine.

6. We, accordingly, allow the appeal in part and reduce the substantive sentence awarded to the appellant to six months rigorous imprisonment. However, payment of fine and default sentence shall remain as awarded by the trial court and confirmed by the High Court.

.....J.
(R.M. LODHA)

NOVEMBER 14, 2011

(H.L. GOKHALE)