

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

C R I M I N A L A P P E A L N O ( s ) . 8 9 O F 2 0 0 2

M A N O H A R A N

A p p e l l a n t ( s )

V E R S U S

S T A T E B Y I N S P E C T O R O F P O L I C E

R e s p o n d e n t ( s )

(With office report)

Date: 11 / 11 / 2008 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E D r . J U S T I C E A R I J I T P A S A Y A T  
H O N ' B L E D R . J U S T I C E M U K U N D A K A M S H A R M A

For Appellant(s) Mr. A.T.M. Samp ath,Adv.  
Mrs. T.S. Shanthi,Adv.

For Respondent(s) Mr. V. Krishn a m u r t h y , S r . A d v .  
Mr. S. Than anj ayan,Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g  
O R D E R

The appeal is disposed of in terms of the signed order.

(Shashi Bal a Vij)  
Court Master

(Neena Verma)  
AR- cum- P S

Signed order is placed on the file.  
I N T H E S U P R E M E C O U R T O F I N D I A

C R I M I N A L A P P E L L A T E J U R I S D I C T I O N

C R I M I N A L A P P E A L N O . 8 9 O F 2 0 0 2

M a n o h a r a n

...Appellant

V e r s u s

S t a t e b y I n s p e c t o r o f P o l i c e

...Respondent

O R D E R

Alleging commission of offence punishable under Section  
41 1 read with Section 34 of the Indian Pen al Code, 1 8 6 0 (in short 'the  
Code'), trial was held so far the appellant is concerned along with two

other persons (hereinafter described as A-1 and A-2).

Those two

accused persons faced trial for commission of offences punishable

under Sections 44 9 , 30 2 , 3 9 2 / 3 9 7 I PC and 44 9 , 30 2 / 1 0 9 , 39 2 / 3 9 7

I PC. All the accused persons were convicted under Section 41 1 read

with Section 3 4 I PC by the Trial Court by the judgment dated

27. 0 9 . 1 9 9 3 . Each was awarded sentence of

three years rigorous imprisonment.

Further, in case of the appellant,

the fine amount was Rs.3, 0 0 0 / - as against Rs. 5, 0 0 0 / - against the

other two accused persons.

It appears that all the three accused

persons have paid the

-2-

fine amount. The appeal has been admitted qua appellant while

dismissing the appeal qua the other two co-accused persons, i.e.

accused Nos.1 and 2.

Though, learned counsel for the appellant submitted that the evidence is not sufficient to fasten the guilt on the appellant for offences punishable under Section 4 1 1 / 3 4 I PC, we find that both the Trial Court and the High Court have analysed the evidence in great detail to find the appellant guilty. It is pleaded by learned counsel for the appellant that the appellant has undergone custodial sentence for a substantial period and, therefore, it should be restricted to the period already undergone. We find substance in this plea. The custodial sentence of the appellant is reduced to the period already undergone by him.

The appeal is disposed of accordingly.

.....J.

(Dr. ARI J I T PA S A Y A T)

.....J.

(Dr. MUKUN D A K A M SHA R M A)

New Delhi,  
November 1 1, 20 0 8 .