

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1126 OF 2013
ARISING OUT OF
SPECIAL LEAVE PETITION (Crl) NO. 5271 OF 2013

MOIDEENKUTTY @ BAVA

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

ORDER

Leave granted.

The appellant has been convicted for offences under Sections 55(a) and 55(g) of the Abkari Act. The High Court has reduced the sentence to six months simple imprisonment and a fine of Rs.1 lakh and in default of payment of fine, to undergo further period of six months simple imprisonment.

Considering the peculiar facts and circumstances of this case, we reduce the sentence from six months to 3= months which the appellant has already undergone and further direct that the appellant will pay the fine amount of Rs.1 lakh within six weeks from the date of his release, and in case he does not deposit the fine amount, he will undergo simple imprisonment for a further period of 3= months.

The appeal is allowed accordingly.

.....J.
(A.K. PATNAIK)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI,
AUGUST 05, 2013

ITEM NO.9

COURT NO.6

SECTION IIB

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

Petitioner(s) for Special Leave to Appeal (Crl) No(s).5271/2013
(From the judgement and order dated 14/12/2012 in CRLA No.771/2004,
of The HIGH COURT OF KERALA AT ERNAKULAM)

MOIDEENKUTTY @ BAVA

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

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

Date: 05/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Renjith. B, Adv.
 Mr. N.P. Rakeesh Panicker, Adv.
 Ms. Lakshmi N. Kaimal, Adv.

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

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

Leave granted.

The appeal is allowed in terms of the signed order.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (SHARDA KAPOOR)
| | COURT MASTER

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(SIGNED ORDER IS PLACED ON THE FILE)