

ÜITEM NO.71

Court No.4

SECTION IIA

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 (Crl) No(s).3782/2009

(From the judgement and order dated 14/03/2008 in CRA No. 534/2001 of  
The HIGH COURT OF MADRAS)

SARAVANAN & ORS.

Petitioner(s)

VERSUS

STATE TR.SEC.

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing  
O.T.,bail and office report )

Date: 09/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Ms. E.R. Sumathy,Adv.

For Respondent(s)

Mr. S. Thananjayan,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.

(Ganga Thakur)  
PS to Registrar

(Juginder Kaur)  
Court Master

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

CRIMINAL APPEAL NO. OF 2009  
(Arising out of SLP(Crl.) No. 3782/09)

SARAVANAN & ORS.

...APPELLANT(S)

Versus

STATE REP. BY SECRETARY

.RESPONDENT (S)

O R D E R

Leave granted.

Pursuant to the incident which had occurred on 18th July, 1998, resulting in death of one Sarika Shah, the appellants herein, along with three others, were convicted under Sections 509, 354 and 304 Part II, read with Section 34, Indian Penal Code and were sentenced to five years' rigorous imprisonment and fine. In earlier Criminal Appeal Nos. 413 and 414 of 2005 the accused Nos. 1, 6 and 8, and the accused Nos. 6 and 9 had questioned the order of conviction and sentence of 2nd March, 2009. The said appeals were partly allowed. While upholding the conviction, this Court reduced the sentence imposed on the two appellants to two years' rigorous imprisonment, while maintaining the fine.

As far as the present appeal is concerned, the same has been filed by the remaining appellants Nos. 2, 3, 4, 5, 7 and 8. From the records, it appears that these accused were on a similar footing as the accused Nos. 6 and 9. Accordingly, having regard to our earlier order dated 2nd March, 2009, we also allow this appeal partly and reduce the sentence imposed on these appellants from five years to two years, while maintaining the fine. The judgment of the Trial Court dated 26th April, 2001 is modified in the aforesaid terms.

.....J.  
( ALTAMAS KABIR )

.....J.  
( CYRIAC JOSEPH )

New Delhi,  
November 9, 2009.