

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(s). 1982 OF 2014
(Arising out of S.L.P. (CRL.) No. 6261 OF 2011)

S. GOPALA RAO ... APPELLANT(S)
VERSUS
STATE OF KARNATAKA ...RESPONDENT(S)

O R D E R

Heard Mr. C.M. Angadi, learned counsel for the appellant and Mr. N.K. Kaul, learned Additional Solicitor General appearing for the respondent-State of Karnataka.

Leave granted.

The appellant has questioned the correctness of the judgment and order dated 10.01.2011 against the conviction and sentence passed against him for the offence punishable under Sections 409, 420 468, 471 and 477A of the Indian Penal Code ("IPC" for short) and under Section 5(1)(c) and 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act and imposing rigorous punishment under several sections which are to run concurrently and reducing the sentence to two years instead of three years, on various grounds.

The High Court, in exercise of its appellate jurisdiction, after adverting to the rival legal contentions urged on behalf of the parties and reappreciating the evidence on record has reduced the maximum punishment from three years to two years

having regard to the circumstances that the appellant was aged about 57 years on the date of rendering the judgment and enhanced the amount of fine of Rs. 10,000/- instead of Rs. 5,000/- on each count. The cumulative fine is enhanced from Rs. 30,000/- to Rs. 60,000/-. It is stated by learned counsel on behalf of the appellant that the amount of fine is already deposited in the Court.

Though the learned counsel appearing on behalf of the appellant challenged the correctness of the concurrent findings recorded in the impugned judgment by the appellate court on the charges against the appellant, we have gone through the impugned judgment. We do not find any good reason to interfere with the same, particularly having regard to the fact that the appellate court after taking into consideration the age of the appellant reduced the punishment from three years to two years subject to paying the higher amount of fine, as indicated above.

It is stated at the Bar that the appellant has already undergone one year and three months imprisonment.

Having regard to the facts and circumstances of the case, it would be just and proper for us to exercise

our jurisdiction and to reduce the sentence for the proved charges against the appellant to the period already undergone by him.

We order accordingly.

In the result, the appeal is partly allowed in the above terms.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 9, 2014

ITEM NO.9

COURT NO.13

SECTION IIB

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(s) for Special Leave to Appeal (Crl.) No(s). 6261/2011

(Arising out of impugned final judgment and order dated 10.01.2011 in CRL.A. No. 1799 of 2004 passed by the High Court of Karnataka.)

S.GOPALA RAO

Petitioner(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With office report)
(For Final Disposal)

Date : 09/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. C.M. Angadi, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. N.K. Kaul, A.S.G.
Mr. Gaurav Sharma, Adv.
Mohd. Iqbal Khairati, Adv.
Mr. B.V. Balram Das, Adv.
Mr. Arvind Kumar Sharma, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed order.

(S.K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)