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SLP(Crl.)No. 4623 OF 2004

ITEM NO.43

COURT NO.6

SECTION II

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

(Crl.M.P.7661)

Petition(s) for Special Leave to Appeal (Crl)...../2004

(From the Judgement and order dated 09/02/2004 in CRP No.766 of
1995 of HIGH COURT OF KERALA AT ERNAKULAM)

AUGUSTINE @ APPEY

PETITIONER(S)

VERSUS

STATE OF KERALA

RESPONDENT(S)

With Crl.M.P.No.7662 - (Appln. for c/delay in filing SLP and
office report)

Date: 24/09/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)Mr. C.K. Sasi, Adv.

For Respondent(s)Mr. Roy Abraham, Adv.

Mr. Himinder Lal, Adv.

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

Delay condoned.

Applications for impleadment and for compounding of offence are ordered.

Leave granted.

The appeal is allowed in terms of the signed order.

The appellant may be released forthwith, if not required in any other case.

Sarita
Court Master

(Shelly Sengupta)

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1071 OF 2004

(Arising out of S.L.P.(Crl.) No. of 2004)

(Crl.M.P. No.7661/2004)

Augustine @ Appey ... Appellant(s)

Versus

State of Kerala ... Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Ms. Sheeja M.T., D/o Thankappan is impleaded on the application of the appellant.

The learned counsel for the appellant as well as the learned counsel representing the lady, namely, Ms. Sheeja M.T., now impleaded, submitted that having regard to the passage of time and other circumstances, the application seeking permission to compound the offence may be allowed. The appellant has surrendered and is in custody since 15th September, 2004. Ms. Sheeja M.T. has also filed an affidavit in this regard.

Under the circumstances, the application filed by the appellant seeking permission to compound the offence under Section 354 of the Indian Penal Code is allowed. The impugned order is set aside.

The criminal appeal is, accordingly, allowed.

In this view, the appellant may be released forthwith, if not required in any other case.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

.....J.

New Delhi,

September 24, 2004.