

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).5961/2009

(From the judgement and order dated 24/03/2009 in CRLA No. 450/2001
of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

SUSHIL KUMAR & ANR. Petitioner(s)

VERSUS

STATE OF UTTARKHAND Respondent(s)

(With appln(s) for bail)

WITH SLP(Crl) NO. 7436 of 2009
[withi appln. for bail]

Date: 15/03/2010 Theses Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Anoop G. Choudhary, Sr. Adv.
Mr. Prabhat Kumar Rai, Adv.
Mr. K.K. Mohan,Adv.

For Respondent(s) Mr. A.P.Sahay, Adv. for
Mr. Jatinder Kumar Bhatia,Adv.

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

Leave granted.
The Appeals stand disposed of in terms of separate
orders.

(Pardeep Kumar) (Shashi Bala Vij)
Court Master Court Master
[TWO SIGNED ORDERS ARE PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 527 OF 2010
[ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 5961 OF 2009]

SUSHIL KUMAR & ANR. ...APPELLANTS

VERSUS

O R D E R

1. Leave granted.
 2. The appellants were convicted by the trial court for the offences punishable under Sections 3/7 of the Essential Commodities Act, 1955 and each of them was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 10,000/-, in default of payment of fine, each of the appellant was to suffer simple imprisonment for a further period of six months.
 3. Against the judgment and order of the trial court, the appellants filed an appeal before the High Court.
 4. The High Court vide judgment dated 24.3.2009, while maintaining the conviction passed by the trial court, reduced the sentence of each of the appellants to six months' R.I. and a fine of Rs. 10,000/- , in default of fine, further simple imprisonment for a period of three months. Hence, the present appeal by special leave.
- : 2 :
5. We have heard learned counsel appearing for the parties and gone through the record.
 6. Considering the overall circumstances of this case, we deem it appropriate that while maintaining the conviction, the sentence of the appellants be reduced to the period already undergone and the amount of fine be increased to Rs. 30,000/- each. Ordered accordingly. The appellants are on bail. Their bail bonds are discharged. In default of payment of fine, each of the appellant shall undergo simple imprisonment for a further period of six months. The fine already paid shall be adjusted.
 7. The appeal stands disposed of accordingly.

.....J.
[V.S. SIRPURKAR]

.....J.
[T.S. THAKUR]

NEW DELHI
MARCH 15, 2010.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 528 OF 2010
[ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 7436 OF 2009]

KASHI RAMAPPELLANT

VERSUS

STATE OF UTTRAKHANDRESPONDENT

O R D E R

1. Leave granted.
2. The appellant was convicted by the trial court for the offences punishable under Sections 3/7 of the Essential Commodities Act, 1955 and was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 5,000/-, in default of payment of fine, appellant was to suffer simple imprisonment for a further period of six months.
3. Against the judgment and order of the trial court, the appellants filed an appeal before the High Court.
4. The High Court vide judgment dated 10.7.2009, while maintaining the conviction passed by the trial court, reduced the sentence of the appellant to one year R.I. and imposed a fine of Rs. 5,000/- , in default of fine, further simple imprisonment for a period of three months. Hence, the present appeal by special leave.

5. We have heard learned counsel appearing for the parties and gone through the record.

6. Considering the overall circumstances of this case and the fact the the appellant has already undergone R.I. for 1 ½ months, we deem it appropriate that while maintaining the conviction, the sentence of the appellant be reduced to the period already undergone and the amount of fine be increased to Rs. 30,000/-. Ordered accordingly. The appellant is on bail. His bail bonds are discharged. In default of payment of fine, appellant shall undergo simple imprisonment for a further period of six months. The fine already paid shall be adjusted.

7 The appeal stands disposed of accordingly.

.....J.
[V.S. SIRPURKAR]

.....J.
[T.S. THAKUR]

NEW DELHI
MARCH 15, 2010.