

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 SCriminal Appeal No. 347/2009

SURESH KUMAR &amp; ANR.

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

(For further orders)

WITH CrI.A. No. 348/2009

[STATE OF KERALA V. SURESH KUMAR &amp; ANR.]

(For further orders)

Date : 11/01/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Mr. Jayanth Muthraj, Adv.  
Ms. Reena, Adv.  
Ms. Seema Jain, Adv.  
Mr. Roy Abraham, Adv.  
Mr. Himinder Lal, A.O.R.

For Respondent(s)  
For State Mr. M.T. George, Adv.  
Ms. M.G. Yogamaya, Adv.  
  
Mr. Anup Kumar, Adv.

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

Ordered in terms of the signed order.

[KALYANI GUPTA]  
COURT MASTER[SHARDA KAPOOR]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 347 OF 2009

SURESH KUMAR & ANR. .... APPELLANTS

VERSUS

STATE OF KERALA .... RESPONDENT

AND

CRIMINAL APPEAL NO. 348 OF 2009

STATE OF KERALA .... APPELLANT

VERSUS

SURESH KUMAR & ANR. .... RESPONDENTS

O R D E R

The concluding paragraph of our order dated 3<sup>rd</sup> November, 2015 be read as under:-

"In such circumstances, while allowing the appeal filed by the accused, we set aside the modified conviction imposed by the High Court for the offence under Section 57A(1)(ii) and the conviction imposed by the trial Court under Section 57A(ii). The conviction

made by the trial Court under Section 55(i) and the sentence of three years rigorous imprisonment along with a fine of Rs.1,00,000/- with default clause stands restored, as well as the conviction under Section 58A and the imposition of sentence of three years with RS.10,000/- fine with a default clause also stands restored. The modified sentence made by the High Court under Section 55(i) from three years to seven years stands set aside. The appeal filed by the State as against setting aside the conviction under Section Section 55 (a), (b) of the Abkari Act and also conviction under Sections 304 Part II, 325 and 201 of IPC is dismissed."

By virtue of this judgment, whatever remaining sentence to be undergone by the appellant shall be complied with and the appellant shall surrender forthwith.

.....J  
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J  
[S.A. BOBDE]

NEW DELHI  
JANAURY 11, 2016.