

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1586/2007

(From the judgement and order dated 07/04/2006 in CRLA No. 338/2000 of The HIGH COURT OF KARNATAKA AT BANGALORE)

S. NAGARAJAPPA & ANR.

Petitioner(s)

VERSUS

STATE BY POLICE INSPECTOR

Respondent(s)

(With appln(s) for c/delay in filing SLP,stay and office report)
(FOR FINAL DISPOSAL)

Date: 12/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mrs. Kanchan Kaur Dhodi,Adv.

For Respondent(s) Mr. Sanjay R. Hegde,Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

[Charanjeet Kaur]
Court Master[Vinod Kulvi]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL NO. 1445 OF 2007
ARISING OUT OF
SPECIAL LEAVE PETITION (Crl.) NO. 1586 OF 2007

S Nagarajappa & Anr.

.. Appellant(s)

Versus

State By Police Inspector

.. Respondent(s)

ORDER

Leave granted.

This appeal is directed against the judgment and order passed by the High Court of Karnataka at Bangalore on April 07,2006 in Criminal Appeal No. 338 of 2000

convicting the appellants herein for the offence punishable under Section 498 A of the Indian Penal Code ('IPC' for Short) and ordered them to undergo rigorous imprisonment for one year and pay a fine of Rs. 5,000/-, in default to undergo rigorous imprisonment of six months.

It may be stated so far as the trial Court is concerned, the appellants along with other accused were prosecuted for offences punishable under Sections 304B, 498A of the IPC and Sections 3,4 and 6 of Dowry Prohibition Act. The trial Court, however, acquitted all the accused. The order of said acquittal was set aside by the High Court and as stated above, the appellants were convicted for the offence punishable under Section 498A.

..2/-

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We have heard learned counsel for the parties. On the facts and in the circumstances of the case, in our opinion, it cannot be said that while recording a finding as to guilt against the appellants any illegality can be said to have been committed. Looking to the fact that the appellants are of very old age, in our opinion, sentence ordered is reduced to the period already undergone. The order of the High Court is modified accordingly. The order as to fine is maintained. The appeal is allowed to the aforesaid extent.

.....J

[C.K. THAKKER]

.....J

[ALTAMAS

KABIR]

NEW DELHI,
OCTOBER 12, 2007.