

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 215-217 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NOS. 5682-5684 OF 2013]

STATE OF KARNATAKA

Appellant(s)

VERSUS

KAISARBAIG & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The State is before this Court, aggrieved by the Judgment dated 22.06.2012 in an appeal filed under Section 374(2) Cr.P.C. The respondents-accused are charged for committing offences under Sections 147, 148, 323, 504, 307 read with Section 149 IPC. On conviction, they were sentenced to undergo imprisonment for a period of three years.

3. Having considered the nature of injuries, the High Court converted the conviction to Sections 148 and 324 read with Section 149 IPC and sentenced them to fine of Rs. 3,000/- each under Section 148 with a default sentence and fine of Rs. 10,000/- each under Section 324 with default sentence. The fine amount was directed to be paid to the victim - PW5.

4. The learned counsel for the respondents has brought to our notice that the accused have already undergone some period in jail. Apparently, this was in the mind of the High Court while reducing the sentence, in addition to the submission made by the learned counsel for the respondents, that the parties have since purchased peace.

5. Having heard the learned counsel for the State and the parties, though this Court is also of the view that the punishment, as ordered by the High Court, is too low, however, having regard to the fact that the respondents have already undergone some period in jail and taking note of the fact that the incident occurred in the year 2007 and since the parties have purchased peace, we are of the view, in the peculiar facts of this case, that no further sentence of incarceration needs to be imposed. However, the respondents-accused should be visited with a higher amount of fine, which shall be paid to the victim.

6. Accordingly, these appeals are disposed of, imposing a total fine of Rs. 50,000/- (Rupees Fifty Thousand) in addition to what has already been paid to the victim. This amount shall be paid by the

respondents-accused to the victim - PW5 within a period of three months from today and in that regard, the amount shall be deposited in the trial court within a period of two months from today. In the event of default, the respondents-accused shall undergo imprisonment for a period of three months.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
February 02, 2018.

ITEM NO.19

COURT NO.4

SECTION II-C

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 (Cr1.) No(s).
5682-5684/2013

(Arising out of impugned final judgment and order dated 22-06-2012 in CRLA No. 3666/2010 22-06-2012 in CRLA No. 3563/2010 22-06-2012 in CRLRP No. 2606/2010 passed by the High Court Of Karnataka At Gulbarga)

STATE OF KARNATAKA

Petitioner(s)

VERSUS

KAISARBAIG & ORS.

Respondent(s)

(FOR PERMISSION TO COMPOUND THE OFFENCE ON IA 21867/2015)

Date : 02-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Sharanagouda Patil, Adv.
Ms. Supreeta Sharanouda, Adv.
Mr. Kalyan Bandru Krishna, Adv.
For M/S. S-legal Associates

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

Leave granted.

The appeals are disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)