

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.154 OF 2009
(Arising out of S.L.P. (Crl.) No.7598 of 2008)

Jayaraj

...Appellant(s)

Versus

State of Tamil Nadu

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Trial Court convicted the appellant under Section 302 of the Indian Penal Code [for short, 'I.P.C.'] and sentenced him to undergo imprisonment for life and to pay fine of Rs.1,000/-; in default, to undergo further imprisonment for a period of three months. On appeal being preferred, the High Court acquitted the appellant of the charge under Section 302 I.P.C. and convicted him under Section 323 I.P.C. and sentenced him to undergo rigorous imprisonment for a period of one year and directed him to pay compensation of Rupees fifteen thousand for being paid to the legal representatives of the victim. Against the said order, present appeal has been filed by special leave.

....2/-

When the case was placed for consideration, notice was issued limited to the question of sentence only.

Learned counsel appearing on behalf of the appellant stated that the appellant has remained in custody for a period of about ten months. Taking into consideration the totality of the circumstances, we feel that sentence of imprisonment awarded should be reduced.

Accordingly, the appeal is allowed in-part and, while upholding the conviction of the appellant, sentence of imprisonment awarded is reduced to the period already undergone.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
January 23, 2009.