

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1877 OF 2010
(Arising out of SLP(Crl.)No. 1738/2010)

JAGADISH @ JAGANNATH

.. APPELLANT(S)

VS.

STATE OF KARNATAKA

.. RESPONDENT(S)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 20th August, 2008, passed by the Karnataka High Court in Criminal Revision Petition No. 70 of 2007 disposing of the same on the ground that the courts below had concurrently found that the charges had been proved against the appellant herein beyond reasonable doubt.

As would appear from the impugned judgment, there was a fight between the accused persons and the prosecution witnesses in which some injury was caused to Vijayendra - P.W. 1, Ramesha -P.W. 2 and Nagaraju - P.W. 3. Ultimately, charge sheet was submitted under Sections 323, 324, 326, 506 read with Section 34 IPC and based on the evidence of P.Ws.1 to 3 who were the injured witnesses, and the doctor's evidence, the trial court convicted the appellants

for the offence punishable under Sections 326 and 506 of the Indian Penal Code [IPC]. On conviction, the appellant No. 1 was sentenced to two years' rigorous imprisonment under Section 326 IPC and one year's imprisonment under Section 506 IPC. Against the said judgment an appeal was preferred and the Appellate Court modified the judgment by confirming the conviction of the accused Nos. 1 and 2, but released accused No. 3 under the Probation of Offenders Act, while acquitting the fourth accused.

The matter was ultimately carried in revision to the High Court which confirmed the judgment of the learned Sessions Judge at Mandya. Aggrieved thereby, this Special Leave Petition was filed by the accused Nos. 1 and 3.

Before we proceed further, let it be recorded that vide order dated 20th January, 2010, of this Court, the Special Leave Petition of the petitioner No. 2 was dismissed. Thus the present appeal arises out of the Special Leave Petition and is confined to the accused No. 1 only.

From the nature of injuries disclosed in the evidence adduced and the evidence of the Doctor who treated P.W. 1, it seems that two of the injuries, namely, the breaking of three ribs and a tooth, were found to be grievous by the said doctor.

Considering the fact that the incident took place

about ten years ago on 30th October, 2000, and the injuries are also not of any grievous nature and particularly, in the

absence of any weapon as such and in the result and since the appellant has already undergone one year's imprisonment, out of the sentence of two years awarded to him, we are inclined to reduce the sentence to the period already undergone.

Accordingly, the appeal succeeds. The appellant is sentenced to the period of imprisonment already undergone. He be released forthwith, if not required in any other case.

.....J.
(ALTAMAS KABIR)

.....J.
(A.K. PATNAIK)

New Delhi,
September 27, 2010.