

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 833 OF 2011
(Arising out of SLP(Crl.) No.5930/2010)

AZEEZ

Appellant(s)

:VERSUS:

STATE OF KERALA

Respondent(s)

O R D E R

Leave granted.

The appellant was convicted by the Trial Court under Sections 304-A, 279 and 337 of the Indian Penal Code and was sentenced to undergo simple imprisonment for one year under Section 304-A. He was further sentenced to undergo simple imprisonment for three months under Section 279 and three months under Section 337 of the IPC. However, the sentences were directed to run concurrently.

The appellant filed an appeal before the Additional Sessions Judge, (Fast Track Court) No.1, Thrissur, which was dismissed. Thereafter, he filed a revision before the High Court which was also dismissed. The appellant is thus before this Court.

We have heard the learned counsel for the parties and perused the impugned judgment.

The appellant has undergone a part of the sentence and has agreed to pay a compensation of Rs.2,35,000/- to the complainant. It is stated at the Bar that out of this amount, Rs.35,000/- has already been received by the complainant and a sum of Rs.2 lakhs has been deposited by the appellant in the Registry of this Court, which is kept in the fixed deposit. The learned counsel for the appellant submits that he has no objection if the amount deposited with the Registry is paid to the complainant. Similarly, the complainant has no objection if the appellant is released on the sentence already undergone by him if the aforementioned amount is paid to her.

On a consideration of the totality of the facts and circumstances of this case, we are of the view that ends of justice would meet if the amount of Rs.2 lakhs, with interest, is directed to be paid to the complainant (Mrs. Valsala) and the sentence

of the appellant is reduced to the period already undergone by him. We order accordingly.

However, we make it clear that this case has been decided on the peculiar facts of this case and shall not be treated as a precedent.

The appeal is disposed of with the aforementioned observations and directions.

New Delhi;
March 28, 2011.

