

SUPREME COURT OF INDIA

Bonela Swaminatham

Vs.

State of A.P.

Crl.A.No.454 of 2000

(K. T. Thomas and R. P. Sethi, JJ.)

09.05.2000

ORDER

1. Leave granted.

2. As we issued notice limited to the quantum of sentence we heard learned counsel for the appellants and learned counsel for the State. Appellant was convicted under Sections 409 and 420 of the Indian Penal Code on the main allegation that he had misappropriated a sum of Rs. 13,400/-. He was sentenced to undergo rigorous imprisonment for a period of one year. He had already undergone imprisonment for a period of 3 months. The question is whether the sentence of imprisonment can be limited to the period he had already undergone. In order to invoke the sympathy of the Court learned counsel invited attention to a development which took place subsequently that the appellant has remitted the entire amount misappropriated by him with the same bank from which the misappropriation took place. The State was asked to check up whether the claim of remittance is true. A photocopy of the remittance slip has been produced, which prima facie shows that a sum of Rs. 13,400/- has been remitted by the appellant with the Sri Visakha Grameena Bank, Branch Srikakulam. Learned counsel for the State also confirmed this as a fact.

3. In view of the said development, we reduce the sentence of imprisonment to the period already undergone by the appellant.

4. Appeal is disposed of accordingly.

Order accordingly.