

**SUPREME COURT OF INDIA**

Bankupalli Chinnababu

Vs.

State

CrI.A.No.827 of 2000

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

27.09.2000

**ORDER**

1. Leave granted.

2. We issued notice limited to the quantum of sentence. The appellant was convicted under S. 409 of the Indian Penal Code and was sentenced to under simple imprisonment for a period of one year. The amount involved in the criminal breach of trust was Rs. 23,107/-. Learned counsel for the appellant submitted that the entire amount has been replenished to the person who is entitled. This submission is not disputed by the State. Learned counsel now submits that the appellant has already been in jail for 5 months and he pleaded that the sentence may be reduced to the period he has already undergone.

3. In view of the development that he re-paid the entire amount we are inclined to reduce the sentence to simple imprisonment for a period of 5 months. With this modification in the sentence this appeal is disposed of.

Order accordingly.