

SUPREME COURT OF INDIA

M.Janaradhan Rao

Vs.

Employees State Insurance Corp. and Anr.

Crl.A.No.362 of 2008

(B.N.Agrawal and G.S.Singhvi, JJ.)

22.02.2008

ORDER

(Arising out of S.L.P. (Crl.) No.4815 of 2007) With Criminal Appeal Nos.363 and 364 of 2008 (Arising out of S.L.P. (Crl.) Nos.5316 and 5564 of 2007) Criminal Appeal Nos.363 and 364 of 2008 arising out of S.L.P. (Crl.) Nos.5316 and 5564 of 2007:

1. Heard learned counsel for the parties.

2. Leave granted.

3. The appellants of these appeals were convicted by the Trial Court under Section 412 of the Indian Penal Code [hereinafter referred to as the 'I.P.C.'] and sentenced to undergo rigorous imprisonment for a period of ten years. On appeal being preferred, the High Court converted the conviction under Section 412 I.P.C. into one under Section 411 I.P.C. and sentenced the appellants to undergo rigorous imprisonment for a period of three years. Hence, these appeals by special leave. It has been stated that the appellants have remained in custody for a period of about three months.2/- - 2 - In the facts and circumstances of the case, we are of the view that ends of justice would be met in case the sentence of imprisonment awarded against the appellants is reduced to the period already undergone by them. Accordingly, the appeals are allowed in-part and the imprisonment awarded against the appellants is reduced to the period already undergone by them. Criminal Appeal No.362 of 2008 arising out of S.L.P. (Crl.) No.4815 of 2007: Heard learned counsel for the parties. Leave granted. The appellant was tried and acquitted by the Trial Court of the charge under Section 85(a) of the Employees' State Insurance Act, 1948 [hereinafter referred to as, 'the Act']. On appeal being preferred, the High Court reversed the order of acquittal and convicted the appellant under Section 85(a) of the Act and sentenced him to undergo simple imprisonment for a period of three months and to pay fine of Rs.5,000/-; in default, to suffer further imprisonment for a period of one week. Having perused the judgment rendered by the Trial Court, we are of the view that order of acquittal cannot be said to be perverse; as such, the High Court was not justified in reversing the same. Accordingly, the appeal is allowed, the impugned order

passed by the High Court is set aside and the order of acquittal rendered by the Trial Court is restored.