

SUPREME COURT OF INDIA

Ghanshyam

Vs.

State of Maharashtra

Crl.A.No.631 of 2011

(Dalveer Bhandari and Deepak Verma,JJ.,)

28.02.2011

ORDER

1. Application for impleadment is allowed.

2. Leave granted.

3. The appellant was charged for having committed offence punishable under Sections 420, 468 & 471 of the Indian Penal Code (I.P.C.). The Chief Judicial Magistrate at Beed (Maharashtra), after trial of the case, convicted the appellant under all the three Sections and sentenced him to undergo simple imprisonment for one year and a fine of Rs.5,000/- under Section 420 of the I.P.C. and to further undergo simple imprisonment for six months and to pay a fine of Rs.5000/- separately under Sections 468 and 471 of the I.P.C. The Sessions Judge, Beed, however, acquitted the appellant for the offence punishable under Section 468 of the I.P.C. but maintained the conviction and sentence of the appellant under Sections 420 and 471 of the I.P.C. The appellant filed a revision before the High Court which was dismissed, affirming the conviction and sentence of the appellant under Sections 420 and 471 of the I.P.C. Admittedly, the entire amount of Rs.60,000/- involved in the case, has been deposited by the appellant. The Chief Executive Officer of the Zila Parishad, Beed, has filed an application before this Court in which it is mentioned that since the entire amount has been deposited by the appellant, they have no objection if the sentence under Section 420 of the I.P.C. is compounded. The alleged incident took place 23 years ago and the appellant has already undergone a part of the sentence.

4. We have heard the learned counsel for the appellant, learned counsel for the State and learned counsel for the complainant. In our considered view, ends of justice would meet if, while upholding the conviction of the appellant, the sentence is reduced to the period already undergone by him. We direct accordingly. This order is subject to the appellant's paying additionally a fine of Rupees One Lakh within six weeks from today. This appeal is disposed of with these observations and directions. In case the amount of fine, as directed above is not deposited by the appellant, then this order would be of no avail to the appellant and he would have to serve out the remaining period of sentence.

