

CRIMINAL APPEAL NO. 51 of 2013

3. By a judgment and order dated 30/09/2013, the appellant came to be convicted for the offence punishable under Section 324 of I.P.C. and has been sentenced to undergo Simple

Imprisonment for a period of one year and to pay compensation of Rs.25,000/- to the complainant Alfred Barreto and in default, to undergo Simple Imprisonment for six months. The period of under trial detention of two months and one day, has been directed to be set off against the substantive sentence of imprisonment awarded.

4. The learned Counsel for the appellant restricts his challenge to the extent of sentence only. It is submitted that having regard to the nature of the allegations and the offence, the appellant may be let off on the period already undergone.

5. The learned Public Prosecutor submits that appropriate orders be passed in this regard.

6. On hearing the learned Counsel for the parties and on perusal of the impugned judgment, I find that the sentence awarded can be modified to the period already undergone, subject to the appellant depositing further amount of Rs.25,000/- towards compensation payable to the complainant Alfred Barreto.

7. In such circumstances, the following order is passed :

(i) The appeal is partly allowed.

(ii) The conviction of the appellant for the offence punishable under Section 324 of I.P.C. is hereby maintained.

(iii) The appellant is sentenced to Simple Imprisonment for the period already undergone, subject to payment of total compensation of Rs.50,000/-.

(iv) The appellant shall be entitled to set off an amount of Rs.25,000/- already deposited.

(v) The appellant shall deposit the remaining amount of Rs.25,000/- within two weeks from today, before the learned Sessions Judge. In the event of default in payment of remaining amount of Rs.25,000/-, the appellant shall undergo Simple Imprisonment for three months.

8. The appeal is disposed of in the aforesaid terms.

The parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA