

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 14006 OF 2023)

SRINIVASULU

Appellant(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

O R D E R

1. Leave granted.
2. Heard Mrs. Sudha Gupta, learned counsel appearing for the appellant.
3. Notice in this case was issued on 19.10.2023 limited to the question of sentence, with the following order:

"Delay condoned.

We have heard Mr. Harinder Mohan Singh, learned counsel appearing for the petitioner.

Noticing the age of the minor victim, we see no reason to disturb the concurrent judgment of conviction, against the petitioner.

However, learned counsel for the petitioner points out that sentencing provisions, under the Protection of Children from Sexual Offences Act, 2012 (for short, the "POCSO Act") was amended only on 16.08.2019 and since the incident here is alleged to have occurred on 28.04.2018 - at pre-amendment stage, the High Court erred in noting the minimum and maximum sentence punishable under Section 4 of the POCSO Act. He submits that prior to the amendment, the minimum punishment prescribed for conviction under Section 4 is seven years which may extend upto imprisonment for life.

While rejecting the challenge to the verdict of conviction, considering the submission on the issue of

sentence only, let notice, returnable in six weeks, be issued to the respondent.

The petitioner is permitted to serve Dasti notice additionally, on the Standing Counsel for the State of Tamil Nadu."

4. Mr. D. Kumanan, learned counsel appearing for the State of Tamil Nadu submits that since the substitution by Act No. 25 of 2019 was made effective from 16.08.2019, the minimum sentence for the conviction under Section 4 of The Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") would not be 20 years.

5. As can be seen, the punishment of 20 years rigorous imprisonment was imposed on the accused, following his conviction under Section 4(1) of the POCSO Act.

6. Having regard to the circumstances in this case and the nature of the crime and the minimum punishment prescribed at the pre-amendment stage, i.e., prior to 16.08.2019, we deem it appropriate to modify the sentence to 10 years rigorous imprisonment (instead of 20 years rigorous imprisonment). With such modification of the sentence, while upholding conviction, the appeal stands disposed of.

7. Pending application(s), if any, shall stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
MARCH 22, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 14006/2023

(Arising out of impugned judgment and order dated 20-09-2022 in CRLA No. 553/2021 passed by the High Court of Judicature at Madras)

SRINIVASULU

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 176230/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 176229/2023 - EXEMPTION FROM FILING O.T.)

Date : 22-03-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mrs. Sudha Gupta, AOR

For Respondent(s) Mr. D. Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Veshal Tyagi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

The operative part of the order reads as under:

"6. Having regard to the circumstances in this case and the nature of the crime and the minimum punishment prescribed at the pre-amendment stage, i.e., prior to 16.08.2019, we deem it appropriate to modify the sentence to 10 years rigorous imprisonment (instead of 20 years rigorous imprisonment). With such modification of the sentence, while upholding conviction, the appeal stands disposed of."

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the file)