

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

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO(S). 23666/2024

JAYARAJAN

PETITIONER(S)

VERSUS

DEPUTY SUPERINTENDENT OF POLICE & ANR.

RESPONDENT(S)

(IA No. 148037/2024 - EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 15-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASANNA B. VARALE
[IN CHAMBER]

For Petitioner(s) Mr. Karthik S.d., AOR

For Respondent(s) Mr. Alim Anvar, Adv.
Mr. Ajith Anot Perumbully, Adv.
Mr. Nishe Rajen Shonker, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA No. 148037/2024

Heard learned counsel for the petitioner and learned counsel for the respondent-State.

2. Learned counsel for the petitioner submits that being aggrieved by the order dated 28.02.2024 passed by the High Court of Kerala at Ernakulam in CrI. Appeal No.437 of 2007, whereby the appeal is partly allowed. The conviction was accorded under Section 489C of the Indian Penal Code, 1860 is confirmed by the High Court with a modification i.e. sentence of five years awarded by the Trial Court was reduced rigorous imprisonment for the period of three years. The Trial Court though convicted the petitioner for commission of offence under Section 489B of IPC but the High Court

in appeal acquitted the petitioner for the offence under under Section 489B IPC.

3. The learned counsel further submits that the petitioner has raised substantial ground in appeal, particularly the erroneous appreciation of the evidence. Learned counsel further submits that there is no history of criminal antecedents of the petitioner and the hearing of appeal would take considerable time. On these submissions, the learned counsel for the petitioner prays for exemption from surrendering. Learned counsel for the respondent-State opposes the application. The learned counsel for the petitioner made out a case for exemption from surrendering. Accordingly, the application seeking exemption from surrendering is allowed. The petitioner is exempted from surrendering.

(JAGDISH KUMAR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)