



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3193/2024  
[@ SLP [CRL.] NO.14272/2023]

MUTHURAJ

Appellant(s)

VERSUS

THE STATE

REPRESENTED BY INSPECTOR OF POLICE Respondent(s)

O R D E R

Leave granted.

The appellant was identified as A-3 for the offence punishable under Sections 457 and 380 of the IPC, being the owner of the van which was involved in the offence charged. The appellant seeks to overturn the judgment rendered by the High Court, which confirmed the order of the Trial Court.

We had issued a limited notice with respect to the quantum of sentence alone.

Learned counsel appearing for the appellant Mr. R. Nedumaran submits that the appellant stands on a different footing in comparison to the other accused. Even the confession statement of the co-accused does not implicate the appellant. It is only that the appellant's vehicle was used by the other accused. Thus, considering the above, appropriate orders would have to be passed.

Learned counsel appearing for the State submitted that the findings being concurrent in

nature, there is no need for interference.

Certainly, the appellant stands on a different footing when compared with the co-accused. Admittedly, he is the owner of the vehicle. There is a specific overt act attributed to the other co-accused. Therefore, considering the aforesaid factors, we are inclined to modify the sentence to the one undergone, specially, by taking note of the fact that there is no prior criminal antecedent in which the appellant is stated to have been involved.

Therefore, while confirming the conviction rendered, the sentence is modified to the one already undergone.

The appeal, accordingly, stands allowed in part.

The appellant be released forthwith if not required in any other case.

Pending applications, if any, stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
JULY 29, 2024.

ITEM NO.48

COURT NO.13

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (CrI.) No(s). 14272/2023

(Arising out of impugned final judgment and order dated 04-11-2022 in CRLRC No. 203/2018 passed by the High Court Of Judicature At Madras)

MUTHURAJ

Petitioner(s)

VERSUS

THE STATE REPRESENTED BY INSPECTOR OF POLICE  
 IA No. 176360/2023 - EXEMPTION FROM FILING O.T.

Respondent(s)

Date : 29-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH  
 HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. R. Nedumaran, AOR

For Respondent(s)

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

Leave granted.

The Court, *inter alia*, directed as under:

"The appellant be released forthwith if not required in any other case."

The appeal is allowed in part in terms of the signed order.

Pending applications, if any, stand disposed of.

(ASHA SUNDRIYAL)  
 ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
 COURT MASTER (NSH)

[Signed order is placed on the file]