



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5156 OF 2025

(Arising out of Special Leave Petition (Crl.) No.19524 of 2025
arising out of Diary No.52993 of 2024)

VENKATESH & ANOTHER

...APPELLANTS

VERSUS

**STATE REPRESENTED BY THE
INSPECTOR OF POLICE**

...RESPONDENT

JUDGMENT

NAGARATHNA, J.

The prayer/application for impleadment of *de facto* complainant and his wife as respondents to this appeal is allowed in view of a compromise between the private parties. Cause title be amended accordingly.

2. Delay condoned as the appellants are in custody.
3. Leave granted.
4. By judgment and order dated 03.11.2020 passed in S.C. No.460/2016 by the learned III-Additional District and Sessions

Judge, Salem the appellants herein were convicted in Crime No.103/2016 for the offences under Section 326 of the Indian Penal Code, 1860 (for short “IPC”) and Section 3 (1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (for short “TNPPDL Act”). The appellants were sentenced under Section 326 IPC to undergo rigorous imprisonment for a period of five years with fine of Rs.5,000/- and in default of payment whereof, six more months’ rigorous imprisonment each; and were sentenced under Section 3(1) of the TNPPDL Act to undergo rigorous imprisonment for a period of two years with fine of Rs.5000/-, in default of payment whereof, six more months’ rigorous imprisonment each. The sentenced were ordered to run concurrently.

5. Being aggrieved by the conviction and sentence, they preferred Criminal Appeal No.481/2020 before the Madras High Court.

6. By the impugned judgment dated 07.02.2023, the High Court dismissed the appeal of the appellants and directed them to undergo the remaining sentence while observing that the period of sentence already undergone by the accused shall stand set off under Section 428 of the Code of Criminal Procedure, 1973.

7. Being unsuccessful in their appeal(s), the appellants are before this Court.

8. *Vide* order dated 17.01.2025, this Court issued notice to the respondents limited only to the quantum of sentence.

9. Learned counsel appearing for the appellants submitted that appellants are in jail and have completed two years and three months of incarceration under Section 326 of the IPC. He therefore, submitted that the sentence imposed on the appellants may be reduced to the period already undergone instead of what has been imposed by the Sessions Courts, which has been affirmed by the High Court. He submitted that there is also a compromise and settlement of disputes between the parties and in the circumstances this Court may reduce the sentence to the period already undergone as they have undergone nearly half of the sentence imposed on them.

10. *Per contra*, learned A.A.G appearing for the respondent/State submitted that there is no merit in this appeal. However, appropriate orders may be made in the appeal.

11. We take note of the facts and circumstances of the case. We find that out of five years of sentence imposed on the appellants, they have already completed two years and three months. This Court had issued notice to the respondents only on the question of sentence. Therefore, while upholding the conviction of the appellants herein, we reduce the sentence to the period already undergone. The appellants shall be released forthwith from the jail in which they are incarcerated, if they are otherwise not required in any other case.

12. The appeal is allowed and disposed of in the aforesaid terms.

13. The operative portion of this judgment shall be released forthwith.

.....J.
(B.V. NAGARATHNA)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
DECEMBER 02, 2025.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(@ Special Leave Petition (Crl.) No. /2025
@ Diary No(s). 52993/2024)

VENKATESH & ANR.APPELLANT(S)

VERSUS

STATE REPRESENTED BY THE
INSPECTOR OF POLICERESPONDENT(S)

OPERATIVE PORTION OF THE JUDGMENT

The prayer/application for impleadment of de-facto complainant and his wife as respondents to this appeal is allowed in view of a compromise between the private parties. Cause title be amended accordingly.

Delay condoned as the appellants are in custody.

Leave granted.

The appeal is allowed and disposed of. Reasoned judgment shall follow.

While upholding the conviction of the appellants herein, we reduce the sentence to the period already undergone. The appellants shall be released forthwith from the jail in which they are incarcerated, if they are otherwise not required in any other case.

Pending application(s), if any, shall stand disposed of

.....J.
[B.V. NAGARATHNA]

.....J.
[PRASANNA B. VARALE]

NEW DELHI
DECEMBER 02, 2025

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 52993/2024

[Arising out of impugned final judgment and order dated 07-02-2023 in CRLA No. 481/2020 passed by the High Court of Judicature at Madras]

VENKATESH & ANR. Petitioner(s)

VERSUS

STATE REPRESENTED BY THE INSPECTOR OF POLICE Respondent(s)

IA No. 45345/2025 - APPLICATION FOR PERMISSION

IA No. 10241/2025 - CONDONATION OF DELAY IN FILING

IA No. 10246/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 10244/2025 - EXEMPTION FROM FILING O.T.

Date : 02-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
 HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Dr. G. Sivabalamurugan, AOR
 Mr. Selvaraj Mahendran, Adv.
 Mr. Hari Krishnan P V, Adv.
 Mr. Dhass Prathap Singh V M, Adv.

For Respondent(s) : Mr. Amit Anand Tiwari, Sr. A.A.G.
 Mr. Sabarish Subramanian, AOR
 Ms. Tanvi Anand, Adv.
 Ms. Saushriya Havelia, Adv.
 Mr. Vishnu Unnikrishnan, Adv.
 Ms. Jahnavi Taneja, Adv.
 Mr. Veshal Tyagi, Adv.
 Ms. Arpitha Anna Mathew, Adv.
 Ms. Arjoo Rawat, Adv.
 Mr. Pranjal Mishra, Adv.
 Mr. K.S.Badrinathan, Adv.

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

The prayer/application for impleadment of de-
 facto complainant and his wife as respondents to

this appeal is allowed in view of a compromise between the private parties. Cause title be amended accordingly.

Delay condoned as the appellants are in custody.

Leave granted.

The appeal is allowed and disposed of in terms of the signed non-reportable judgment.

Pending application(s), if any, shall stand disposed of

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed non-reportable judgment is placed on the file)