

## **K. Duraiswamy vs State Of Tamil Nadu on 25 February, 1981**

**Equivalent citations: AIR1982SC51, (1982)1SCC411, AIR 1982 SUPREME COURT 51, 1982 (1) SCC 411, 1982 SCC(CRI) 239, 1982 UP CRI C 120.1, (1982) IJR 99.2 (SC), 1982 IJR 99 (2), (1982) GUJ LH 69**

**Author: S. Murtaza Fazal Ali**

**Bench: Syed M. Fazal Ali, V. Balakrishnan Eradi**

### **JUDGMENT**

S. Murtaza Fazal Ali, J.

1. This appeal by special leave is confined to the question of sentence only.
2. After having heard learned Counsel for the parties and going through the Judgment of the courts below we feel that there is some room for reduction in the sentence of the appellant. The appellant was a Government servant and by virtue of his conviction he has lost his service and is also likely to lose his pensionary benefits. He has already served three months. In the peculiar facts and circumstances of this case, we therefore uphold the conviction and reduce the sentence to the period already served which, according to the appellant, is about three months. In lieu of the sentence remitted we impose a fine of Rs. 500, in default three months' rigorous imprisonment. The fine to be paid within two months from today and the entire fine realised shall be paid to the temple.
3. The appeal to disposed of accordingly.