

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. 2719 OF 2023
(Arising out of SLP(CrL.) No. 5084/2022)

ELANGO VAN

APPELLANT(S)

VERSUS

STATE REP. BY INSPECTOR OF POLICE

RESPONDENT(S)

ORDER

Leave granted.

Heard learned counsel for the appellant, the State and the victim whose impleadment application, registered as IA No. 41177 of 2023, is allowed.

Let the cause title be amended and other alteration of records be made in that regard.

On the basis of materials disclosed, we do not find any reason to interfere with the order of conviction which has been sustained at all levels before the matter reached this Court. The appellant has been convicted for committing offences under Sections 304A and 337 of the Indian penal Code, 1860. We have also taken note of the fact that no involvement of the appellant in any other criminal act has been brought to our notice by the State. There is nothing adverse against his character. Considering the nature of the offence and character

of the offender, in our opinion, it would be expedient to release him instead of sentencing him to any punishment but with an admonition. In such circumstances, we sustain the order of conviction under Sections 337 and 304-A of the Indian Penal Code 1860, but set aside the sentence by which he has been directed to undergo imprisonment for a period of three months. We admonish him, requiring him to be alert and careful in future in the discharge of his duties and even otherwise. He shall also pay compensation in terms of our direction in the later part of this order.

We direct him to pay compensation of Rs. 3,00,000/- (Rupees three lakhs) to the victim's kin. A sum of Rs. 2,00,000/- (Rupees two lakh) has already been deposited with the Supreme Court Registry. The said sum shall be released to the kin of the victim upon proper identification and remitted directly to his account. Rest of the compensation of Rs. 1,00,000/- (Rupees one lakh) shall be deposited within two months before the Trial Court and the Trial Court shall also remit the same to the bank account of the kin of the victim upon proper identification.

We also make it clear that our order by which we have sustained the conviction, by itself, shall not

have any effect on the appellant's services in the State Transport Corporation. We are passing this order in exercise of jurisdiction of this Court under Sections 3, 5 and 11 of the Probation of Offenders Act, 1958.

The appeal is allowed in the above terms.

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

..... J.
[ANIRUDDHA BOSE]

..... J.
[SANJAY KUMAR]

..... J.
[S.V.N. BHATTI]

**NEW DELHI;
SEPTEMBER 05, 2023.**

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 (Crl.) No. 5084/2022

(Arising out of impugned final judgment and order dated 21-12-2021 in CRLRC No. 1152/2015 passed by the High Court Of Judicature At Madras)

ELANGO VAN

Petitioner(s)

VERSUS

STATE REP. BY INSPECTOR OF POLICE

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 61634/2022 - EXEMPTION FROM FILING O.T.

IA No. 41177/2023 - INTERVENTION/IMPLEADMENT)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. P. Soma Sundaram, AOR
Mr. Y. Arunagiri, Adv.
Mr. Raghunatha Sethupathy B, Adv.

For Respondent(s) Dr. Joseph Aristotle S., AOR
Ms. Shubhi Bhardwaj, Adv.
Ms. Vaidehi Rastogi, Adv.

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

Leave granted.

I.A. No. 41177 of 2023 is allowed.

The appeal is allowed and the Court, *inter alia*, passed the following order in terms of the signed order which is placed on the file:

".....we sustain the order of conviction under Sections 337 and 304-A of the Indian Penal Code 1860, but set aside

the sentence by which he has been directed to undergo imprisonment for a period of three months."

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

**(SNEHA DAS)
SENIOR PERSONAL ASSISTANT**

**(VIDYA NEGI)
ASSISTANT REGISTRAR**