



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023
(arising out of SLP (CrI.) No. 6364 of 2020)

THIMMA AND OTHERS APPELLANT(S)

VERSUS

STATE OF KARNATAKA RESPONDENT(S)

O R D E R

Leave granted.

By the order dated 18.12.2020, we had directed the Karnataka State Legal Services Authority¹ to ascertain the factual matrix and well-being of the victim, who, it is stated, is happily married with appellant no.1 - Thimma and has been living with him for the last eight years. They have two children.

The KSLSA had submitted a report stating that the victim is married to appellant no.1 - Thimma for last about eight years, and they have two children. The family is happily living together. The family members of the appellant - Thimma and the victim have accepted the marriage. The victim has specifically stated that appellant no.1 - Thimma is taking good care of her, and her two children, and has not ill-treated her in any manner. Similar statement has been made by the mother of the victim. Photographs have also been enclosed with the said report.

¹ For short "the KSLSA".

In view of the factual position, we are inclined to exercise our power under Article 142 of the Constitution of India read with Section 4 of the Probation of Offenders Act, 1958.

Accordingly, while we uphold the conviction of appellant no.1 - Thimma under Sections 143, 149 and 366 of the Indian Penal Code, 1860, we direct that appellant no.1 - Thimma will be released on probation of good conduct. In view of the report submitted by the KSLSA, we are dispensing with the requirement of a report by the Probation Officer.

Appellant no.1 - Thimma will execute a bond of good conduct without any surety on other terms and conditions to be fixed by the trial court for the period of three years. The KSLSA shall provide legal assistance to appellant no.1 - Thimma to enable him to furnish the said bond. The bond will be furnished within a period of two months from today.

Recording the aforesaid, the impugned order of sentence is modified and the appeal is allowed and disposed of in the above terms.

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

.....J.
(SANJIV KHANNA)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
SEPTEMBER 21, 2023.

ITEM NO.5

COURT NO.3

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 6364/2020

(Arising out of impugned final judgment and order dated 03-03-2020 in CRLA No. 63/2014 passed by the High Court of Karnataka at Bengaluru)

THIMMA & ORS.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

(IA No. 105982/2020 - EXEMPTION FROM FILING O.T.
IA No. 105986/2020 - INTERVENTION/IMPLEADMENT
IA No. 114078/2020 - LEAVE OF THE COURT UNDER SECTION 320, CR.P.C.
TO COMPOUND/COMPROMISE)

Date : 21-09-2023 These matters were called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. C. M. Angadi, Adv.
Mr. Manish Goswami, Adv.
Ms. Manisha Chava, Adv.
Ms. Himani Pandey, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. H. Chandra Sekhar, AOR
Mrs. Rekha Sekhar, Adv.
Mr. Faek Ul Farooq, Adv.

Mr. D. L. Chidananda, AOR

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

Leave granted.

We uphold the conviction of appellant no.1 - Thimma under Sections 143, 149 and 366 of the Indian Penal Code, 1860, we direct

VERDICTUM.IN

SLP (Cr1.) No. 6364 of 2020

that appellant no.1 - Thimma will be released on probation of good conduct. In view of the report submitted by the KSLSA, we are dispensing with the requirement of a report by the Probation Officer.

The appeal is allowed and disposed of in terms of the signed order.

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

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)