

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2024
(Arising out of SLP(CrI.)No.7003/2024)

MALLAN @ RAJAN KANI

APPELLANT(S)

VERSUS

STATE OF KERALA

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant has been convicted and sentenced for life imprisonment with fine of Rupees Two lakh in default to pay the fine to undergo RI for two more years for the offences punishable under Section 376 of the Indian Penal Code, which has been upheld in appeal before the High Court vide order dated 14.12.2021. The case of the prosecution against the appellant is that he is the step father of the victim and the he used to insist that the victim accompany him to the nearby forest to collect fire woods where she was raped by the appellant. The victim also states that the appellant had raped her on previous occasions as well, at the very same forest and also at her dwelling house.
3. Under these circumstances, we see absolutely no reason to interfere with the well-considered finding of the Trial Court as well as the High Court on conviction.
4. Learned senior counsel for the appellant thereafter argue on the sentence. Presently, the appellant is in his 40s and he had already undergone more than 8 years of the sentence. His financial condition is such that he will never been able to pay the fine of Rupees Two lakh which

has been additionally imposed upon him, states his counsel who has been assigned to argue this Court as a legal aid matter.

5. Having consider the totality of the facts and circumstances of the case, we reduce the sentence to 10 years and retain the fine amount as Rupees Two lakhs. The appellant shall pay the said fine amount within a period of one year from today.

6. In case the said fine amount is not paid by the appellant within the stipulated time, the appellant shall undergo one year (instead of two years RI) of further sentence.

7. The appeal stands disposed of in the above terms.

8. All pending applications stand disposed of.

.....J.
[SUDHANSHU DHULIA]

.....J.
[AHSANUDDIN AMANULLAH]

New Delhi;
September 03, 2024.

ITEM NO.35

COURT NO.15

SECTION II-B

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 (CrI.) No(s). 7003/2024

(Arising out of impugned final judgment and order dated 14-12-2021 in CRLA No. 576/2016 passed by the High Court Of Kerala At Ernakulam)

MALLAN @ RAJAN KANI

PETITIONER(S)

VERSUS

STATE OF KERALA

RESPONDENT(S)

(FOR ADMISSION and I.R.)

Date : 03-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. D N Goburdhun, Sr.Adv.
Ms. Nidhi, AOR

For Respondent(s) Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Farhad Tehmu Marolia, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed order,
which is placed on the file.

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

(NIRMALA NEGI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)