

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). 1716/2019

(Arising out of impugned final judgment and order dated 10-12-2013 in CRA No. 53/2010 passed by the Gauhati High Court)

NABIN KACHARI @ HAZARIKA

Petitioner(s)

VERSUS

THE STATE OF ASSAM

Respondent(s)

Date : 22-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)

Ms. Minakshi Vij, AOR

For Respondent(s)

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

Though served, nobody has appeared for the respondent-State.

In this matter, on 15.02.2019, this Court had issued notice, limited to the question as to whether any case is made out for converting the conviction of the petitioner to under Section 304 Part-1, IPC from that under Section 302 IPC.

We have heard learned counsel for the petitioner and have examined the material placed on record.

In the totality of circumstances, including the manner in which incident had taken place, the weapon used and the injuries caused by the petitioner on the person of his wife, we are not persuaded to convert the conviction of the petitioner to that under

Section 304 Part-1, IPC. This petition is, therefore, required to be dismissed.

In the last, learned counsel for the petitioner has made a prayer for consideration of the case of the petitioner for remission, particularly when he has undergone nearly 14 years of imprisonment. In that regard, we leave it open for the petitioner in taking recourse to appropriate remedies in accordance with law.

Subject to the observations foregoing, the special leave petition stands dismissed.

All the pending applications stand disposed of.

(POOJA SHARMA)  
SENIOR PERSONAL ASSISTANT

(SUNIL KUMAR RAJVANSHI)  
BRANCH OFFICER