

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 16329/2020

(Arising out of impugned final judgment and order dated 25-02-2009 in CRLA No. 773/2005 passed by the High Court of Punjab & Haryana at Chandigarh)

BABLI

Petitioner(s)

VERSUS

THE STATE U.T. CHANDIGARH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.75843/2020-CONDONATION OF DELAY IN FILING)

Date : 18-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Petitioner(s) Mrs. Sonia Mathur, Sr. Adv.
Mr. Brij Bhushan, AOR

For Respondent(s)

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

The SLP has been filed with a delay of 4083 days which is quite extraordinary but then it is stated that there was no assistance available to the petitioner and the present appeal has been filed through the aid of the Supreme Court Legal Services Committee. We may also notice that the other two co-accused convicts filed the Special Leave Petition which was dismissed on 12.11.2010 while the present petition has been filed after more than ten years.

Delay condoned.

Be that as it may, we considered appropriate to even hear learned senior counsel for the petitioner on merits.

There is a two-fold submission advanced by the learned senior counsel:

(a) that the petitioner's role is different as she has been convicted with the aid of Section 34 of the IPC;

(b) the testimony discarded by the trial Court has been relied upon by the High Court to convict the petitioner which deprives the petitioner of the right of first appeal.

On examination of the record and the testimony pointed out by learned senior counsel for the petitioner, it is our view that the petitioner played a role by holding both the legs of the deceased and then extorted the other two co-accused to attack the deceased with two iron rods.

We are unable to accept the plea that the testimony of Om Prakash is not reliable as the whole reading of the testimony shows how the incident happened. We are thus, not inclined to accept this plea.

On the second plea that there is something which could be said so far as the plea of the learned counsel is concerned but then the conviction of the petitioner was based without considering the testimony of that

witness i.e. PW-12, though the High Court seems to have relied upon it.

In our view that would not make a difference to the ultimate result of conviction of the petitioner.

We are thus, not inclined to interfere with the conviction of the petitioner for the aforesaid reasons.

The special leave petition is dismissed.

Pending application if any, stands disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR