

ITEM NO.11 Court 3 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 20408/2020

(Arising out of impugned final judgment and order dated 30-10-2018 in DBCRA No. 771/2013 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

MITHEL BHUIYA @ RAJU TOPAN @ MITHLESH Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN Respondent(s)

(FOR ADMISSION and I.R. and IA No.96364/2020-CONDONATION OF DELAY IN FILING and IA No.96365/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-10-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Shikhil Suri, Adv.
 Mr. Shiv Kumar Suri, AOR
 Ms. Madhu Suri, Adv.
 Ms. Shilpa Saini, Adv.
 Ms. Nikita Thapar, Adv.
 Ms. Vinishma Kaul, Adv.

For Respondent(s)

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

Delay condoned.

The facts of this case are indeed horrible. Sh. Shikhil Suri, learned counsel, has with his usual fairness, taken us through the Trial Court Judgment and has argued that insofar as alleged murder is concerned, at best, this would be a case of culpable homicide. Even assuming that it would be a case of culpable homicide, it is clear that the Life Sentence that has been awarded, would then have

been awarded under Section 304(1).

We see no reason to interfere with the impugned Judgment passed by the High Court. Mr. Suri has argued that the petitioner is in jail for the last 10 years. We may only add that persons like this are a menace to society.

With these observations, the Special Leave Petition is dismissed.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER