

ITEM NO.63

COURT NO.5

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 (Crl.) No. 8762/2017

(Arising out of impugned final judgment and order dated 01-04-2014 in CRLA No. 2002/2009 passed by the High Court Of Kerala At Ernakulam)

JAFAR

Petitioner(s)

VERSUS

THE STATE OF KERALA &amp; ANR.

Respondent(s)

(Original records are received )

Date : 25-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mrs. Nanita Sharma, AOR

For Respondent(s) Mr. Abraham Mathew, Adv.  
Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

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

Heard learned counsel for the petitioner and the State.

We have gone through the materials disclosed and in our opinion, the concurrent findings of the Trial Court and the First Appellate Court warrants no interference.

On behalf of the petitioner, it was sought to be argued that while committing trespass, the petitioner had no intention of committing the offence

of murder. But that fact by itself would not transform the offence committed by the petitioner under Section 302 to that specified in Part II of Section 304 of the Indian Penal Code. The observations in that regard made in the judgment of the Trial Court was mainly for the purpose of deciding on the sentence to be imposed on the petitioner.

The present petition is, accordingly, dismissed.

Let the original records be returned to the Court concerned.

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

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR