

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2005 OF 2017
(Arising out of SLP(Cr1.)No.597/2017)

RAJINDER ... APPELLANT(S)

VS.

THE STATE OF HARYANA ... RESPONDENT(S)

O R D E R

1. Leave granted.
2. In a First Information Report dated 8.8.2000, two persons were accused of killing one Dharambir. Admittedly, there is no eye-witness and the basic reliance of both the courts below is on an extra-judicial confession made by PW-8, who was the Sarpanch. Equally, the co-accused, who delivered what was perhaps the fatal blow on the head of the deceased, was acquitted. The allegation against the present appellant is that he inserted a screw driver into the neck of the deceased. Quite apart from the fact that this is a case of circumstantial evidence, this is a case where consumption of alcohol took place after which there was an altercation resulting in the death of one Dharambir. This being the case, we convict the accused under Section 304 Part II IPC and not under Section 302 IPC. Considering the fact that accused has already undergone imprisonment of approximately six years eight months, we

reduce the sentence to the period already undergone. The appellant is in custody. If not required in any other offence, he be released forthwith.

3. The appeal is allowed in the aforesaid terms. Pending applications are disposed of.

.....J.
[ARUN MISHRA]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
20th November, 2017.

ITEM NO.50

COURT NO.10

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).597/2017

(Arising out of impugned final judgment and order dated 21-09-2016 in CRLA No.447/2003 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAJINDER

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

Date : 20-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Dr. J. P. Dhanda, AOR
Ms. Raj Rani Dhanda, Adv.
Mr. Vineet Dhanda, Adv.
Mr. Tarun Kumar, Adv.
Ms. Komal Narula, Adv.
Mr. N.A. Usmania, Adv.
Mr. Gopi Chand, Adv.

For Respondent(s) Mr. S. Uday Kumar Sagar, AOR

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

Leave granted.

The accused is convicted under Section 304 Part II IPC and not under Section 302 IPC. Considering the fact that accused has already undergone imprisonment of approximately six years eight months, the sentence is reduced to the period already undergone. The appellant is in custody. If not required in any other offence, he be released forthwith.

..2/-

.2.

The appeal is allowed in terms of the signed order.

(Sarita Purohit)
Court master

(Jagdish Chander)
Branch Officer

(Signed order is placed on the file)