

ITEM NO.1502

COURT NO.7

SECTION II

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

Criminal Appeal No(s). 965/2018

GURMAIL SINGH & ANR.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

([TO BE TAKEN UP AFTER NORMAL WORK OF THIS COURT IS OVER.][HEARD BY: HON. C.T. RAVIKUMAR AND HON. SUDHANSHU DHULIA, JJ.])

Date : 17-10-2022 This appeal was called on for pronouncement of judgment today.

For Appellant(s) Mr. S. K. Verma, AOR

For Respondent(s) Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Sharjeel Ahmad, Adv.

Hon'ble Mr. Justice C.T. Ravikumar pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Sudhanshu Dhulia.

The appeal is dismissed in terms of the reportable judgment. The operative part of the judgment reads as under:

"21. There can be no doubt with respect to the position that in order to make culpable homicide as murder the act by which death is caused should fall not only under any one or more of clauses firstly to fourthly under Section 300, IPC but they should also not fall under any of the five exceptions to Section 300, IPC. Though the appellant contended that the conviction under Sections 302/149 is liable to be altered to one under 304/149 it is a fact that he had failed to bring it within any of the five exceptions to

Section 300, IPC. When that be so, there is absolutely no question of considering the contentions that the offence of culpable homicide falls either under 304 (Part I) or 304 (Part II).

22. When the above being the position obtained in this case, we have no hesitation to hold that the High Court was justified in dismissing the appeal filed by the appellant herein, confirming the conviction and sentences passed against him. There are no merits in this appeal and hence it is dismissed.

Pending application(s), if any, stands disposed of accordingly.

(MONIKA DEY)
COURT MASTER (NSH)

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS

(Signed reportable judgment is placed on the file)