

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1708-1709 of 2017
(Arising out of SLP(Crl)No(s).1675-1676 of 2017)

DANI RAM & ORS.

Appellant(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS. ETC.

Respondent(s)

O R D E R

Leave granted.

The appellants were tried for the death of one Chitra Rekha on 28th March, 2000 for the charges under Sections 498-A/34 and 304-B/34 I.P.C. The trial court acquitted the appellants on 27th August, 2002. The High Court by the impugned order has set aside the acquittal and remanded the matter for fresh trial. It also directed that the charge be framed under Section 306 I.P.C. and retrial should be conducted.

On 3rd March, 2017, following order was passed by this Court:

"Issue notice.

The petitioners are also put to suo motu notice as to why the charge be not altered to Section 302 or why the conviction under Section 304-B of the I.P.C. be not upheld. Let reply be filed within four weeks.

In the meantime, there shall be stay of further proceedings before the Trial Court.

The petitioners may furnish bail bonds to the satisfaction of the Trial Court.

Counsel for the petitioners is permitted to make correction in the petition.

List after six weeks."

We have heard learned counsel for the parties and perused the record.

While we do not find any ground to interfere with the

impugned order directing retrial, the trial court ought to also consider whether charge under Section 302 I.P.C. ought to be framed.

With the above modification, the appeals are disposed of.

The parties are directed to appear before the trial court for further proceedings on Monday, the 6th November, 2017.

It is made clear that this Court has not expressed any final opinion in the matter and it will be open to the trial court to proceed in accordance with law independently.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
September 22, 2017.

ITEM NO.46

COURT NO.11

SECTION II-C

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(s). 1675-1676/2017

(Arising out of impugned final judgment and order dated 23-11-2016
in AAN No. 445/2010 23-11-2016 in CRLA No. 472/2002 passed by the
High Court Of Chhatisgarh At Bilaspur)

DANI RAM & ORS.

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS. ETC.

Respondent(s)

(FOR EXEMPTION FROM FILING O.T. - IA 3760/2017)

Date : 22-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Nitin Sangra, Adv.
Ms. V.D. Khanna, Adv.
Ms. Devika Khanna, Adv.
Ms. Devenda Kumar, Adv.
Mr. Raghvendra Pratap, Singh, Adv.

For Respondent(s) Mr. Apoorv Kurup, Adv.
Mr. A.C. Boxipatro, Adv.

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

Leave granted.

In terms of the signed order, the appeals are disposed of.

Pending applications, if any, shall also stand disposed
of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)