

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1880 of 2017
(Arising out of SLP(Crl.)No.6894 of 2014)

SARWATI DEVI

Appellant(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

O R D E R

Leave granted.

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

The case of the prosecution is that on 12th February, 1987 at 6.30 a.m. Siya Ram-deceased was assaulted by Bishwanath Singh and Baiju Singh, respondents no.4 and 5, and others. He died on account of single injury on his head. The trial court convicted the said accused under Section 304 I.P.C. and sentenced them to undergo rigorous imprisonment for ten years. The High Court has accepted the involvement of respondents no.4 and 5 but held that the offence falls under Sections 323/324/379 IPC and reduced the sentence to the period already undergone by them which is said to be about six to eight months.

We are of the view that in the circumstances of the case the offence under Section 304 Part II I.P.C. is made out against respondents No.4 and 5. Accordingly, we convict both the respondents under Section 304 Part II I.P.C. and sentence them to undergo rigorous imprisonment for five years. However, acquittal of respondents no.2 and 3 will remain undisturbed. Respondents

no.4 and 5 be taken into custody to serve out the remaining sentence.

The appeal is disposed of.

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

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

New Delhi,
November 1, 2017.

ITEM NO.31

COURT NO.11

SECTION II-A

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). 6894/2014

(Arising out of impugned final judgment and order dated 05-07-2013 in CRLA No. 386/1989 passed by the High Court Of Judicature At Patna)

SARWATI DEVI

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

Date : 01-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Manoj Kr. Dwivedi, Adv.
Mr. Vipin Kumar Jai, AOR

For Respondent(s) Ms. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.
Mr. Abhinav Mukerji, AOR

Mr. Abhay Prakash Sahay, Adv.
Mr. Jamnesh Kumar, Adv.
Mr. Himanshu Shekhar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

In terms of the signed order, the appeal is 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)