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SLP(Crl.)No. 1013 OF 2002  
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 455 of 2002@@  
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arising out of  
Special Leave Petition (Crl) No. 1013 of 2002@@  
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Ram Murti ...Appellant (s)

Versus

State of Haryana ...Respondent(s)

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Leave granted.

The limited notice had been issued in this case to consider the nature of offence. The appellant has been convicted under Section 302 IPC and sentenced to imprisonment for life.

Having examined the evidence of PWs 4 and 5, who are the two alleged eye-witnesses in this case, and evidence of one is slightly at variance with the other; and on the evidence of the aforesaid two witnesses, which we have scrutinised ourselves, it appears that it is difficult to come to the conclusion that the accused fired at the deceased with the intention to kill him. On the other hand, the witnesses ..2/-

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themselves have indicated that both the accused and the deceased were talking to each other, sitting on two cots; there was hot exchange of words on account of what happened earlier in the election, which ultimately resulted in the firing by the accused and took the life of the deceased.

In these circumstances, we are persuaded to accept the contention of the learned counsel for the appellant that the offence should be under Section 304 Part I IPC and not under Section 302 IPC. We, therefore, set aside the conviction under Section 302 IPC and convict the appellant under Section 304 Part I and sentence him to undergo 10 years' rigorous imprisonment. The appeal stands disposed of accordingly.

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( G.B. PATTANAİK )@@

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New Delhi;  
April 08, 2002.

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( BRIJESH KUMAR )@@  
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ITEM No.51

Court No. 3

SECTION IIA  
A/N MATTER

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. 1013/2002

(From the judgement and order dated 06/03/2001 in CRLA 262/97  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM MURTI

Petitioner (s)

VERSUS

STATE OF HARYANA

Respondent (s)

( With Appln(s). for exemption from filing c/c of the impugned  
Judgment and bail With Office Report )

Date : 08/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mrs. Shyamla Pappu, Sr. Adv.  
Mrs.K. Sarada Devi,Adv.

For Respondent (s)  
Mr. J.P. Dhanda,Adv.  
M/s.Raj Rani Dhanda, KP Singh, DS Nagar,Adv.

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