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SLP(Crl.)No. 743 OF 2001

ITEM No.7

Court No. 5

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 743/2001

(From the judgement and order dated 27/09/2000 in CRLA 658/97
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BHIM SINGH & ORS.

Petitioner (s)

VERSUS

STATE OF HARYANA

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for bail)

(With Office Report)

Date : 01/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS

HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Naresh Kumar, Adv.
Mr. M.A. Krishna Moorthy, Adv.
Mr. BS Verma, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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We do not find any ground to interfere with the concurrent finding of facts. Learned counsel alternatively contended that this case can fall under Exception 4 of Section 300 IPC. In this case the accused had adopted a plea of alibi and hence it is too late in the day for the accused to resort to such an exception in this special leave petition. We do not find any merit in that contention.

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Learned counsel made a last plea in respect of the 4th petitioner on the premise that the 4th petitioner was a juvenile when the occurrence was committed. Learned counsel fairly conceded that the question of juvenility too was raised by the 4th respondent in the

form of a petition filed before the trial court and an order was passed against the petitioners on that score and that order has not been challenged till today. In other words the said order has attained finality. Hence it is not open to the petitioner to raise that contention in the present special leave petition. The SLP is accordingly dismissed.

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Hemalatha

(HK Bhatia)
Court Master