

ITEM NO.23

COURT NO.6

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 SSPECIAL LEAVE PETITION (CRIMINAL) Diary No.70266/2025

[Arising out of impugned final judgment and order dated 14-08-2024 in CRADB No. 132/2011 & CRADB No. 3/2011 passed by the High Court of Jharkhand at Ranchi]

KAPILDEO MANDAL & ANR.

Petitioner(s)

VERSUS

STATE OF JHARKHAND

Respondent(s)

(IA No. 20867/2026 - CONDONATION OF DELAY IN FILING SLPs and IA No. 20868/2026 - EXEMPTION FROM FILING O.T.)

Date : 27-01-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Ms. Suchitra Pandey , AOR

For Respondent(s) :

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

1. Delay condoned.
2. Exemption Application is allowed.
3. The petitioners were put to trial for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code (for short, "the IPC") respectively.
4. The Trial Court held both the petitioners guilty of the offence of murder and sentenced them to life imprisonment with fine of Rs.10,000/- each.
5. The petitioners went in appeal before the High Court.
6. The High Court, upon re-appreciation of the oral as well as documentary evidence on record, thought fit to alter the conviction from Section 302 to Section 304 Part II of IPC and sentenced both the petitioners to undergo 5 years of rigorous imprisonment with

fine of Rs.5,000/- each.

7. We take notice of the fact that while altering the conviction, the High Court brought the case within the ambit of Exception 4 of Section 300 of the IPC.

8. If the High Court thought fit to invoke Exception 4 of Section 300 of IPC, then the conviction could have been under Section 304 Part I of the IPC and not Section 304 Part II of the IPC.

9. Be that as it may, the State is not before us in appeal against the main Judgment and the Order passed by the High Court.

10. Today, we have an order wherein the conviction is for the offence under Section 304 Part II of the IPC and the sentence is 5 years of RI.

11. We take notice of the fact that the Petitioner No.1 namely Kapil Deo Mandal was 20 years of age i.e. less than 21 years, whereas the Petitioner No.2 - Dilip Mandal was 45 years of age.

12. In so far as Kapil Deo Mandal is concerned, being below 21 years of age at the time of the alleged offence and being convicted for the offence under Section 304 Part II of the IPC wherein the maximum sentence punishable is 10 years, the High Court should have considered granting him the benefit of Section 4 of the Probation of Offenders Act, 1958.

13. We are inclined to issue notice on the aforesaid point, returnable on 10-2-2026.

14. Liberty is granted to serve the Standing counsel for the State of Jharkhand.

15. The learned counsel appearing for the petitioner shall serve one set of her entire Paper Book to the learned counsel who ordinarily appears for the State of Jharkhand.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)