

àITEM NO.36

COURT NO.6

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(s).1624/2009

(From the judgement and order dated 10/11/2006 in  
1757/2000 of The HIGH COURT OF CHATTISGARH AT BILASPUR)

CRLA No.

CHE TU Petitioner(s)

VERSUS

STATE OF CHHATISGARH Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing O.T.  
and office report )

Date: 30/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Ms. Susmita Lal,Adv.(SCLSC)  
Ms. Malabika Sarkar, Adv.

For Respondent(s) Mr. Aniruddha P. Mayee,Adv.

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

Delay condoned.

Leave granted.

The Appeal is disposed of in terms of the signed  
order.

The appellant be released forthwith, if not required  
in any other case.

(Parveen Kr. Chawla) (Indu Satija)  
Court Master Court Master  
[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1643 OF 2010  
(Arising from S.L.P.(Crl.) No.1624 of 2009)

Chetu ..Appellant

versus

State of Chhatisgarh ..Respondent

O R D E R

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 10th November, 2006 passed by the High Court of Chhatisgarh in Criminal Appeal No. 1757 of 2000.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

The appellant attacked the deceased with the blunt side of an axe and killed him. He has been convicted under Section 302 IPC and sentenced to imprisonment for life.

We are of the opinion, had the appellant attacked the deceased on the head with the sharp edge side of the axe, then it would have been a case under Section 302 IPC but since he attacked with the blunt side of the axe, it is a case under Section 304 Part-II, IPC. Hence, we alter the conviction of the appellant from Section 302 IPC to Section 304 Part-II, IPC and sentence him to the period

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already undergone by him. The appellant be released forthwith, if not required in any other case.

The Appeal is disposed of in the above terms.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
AUGUST 30, 2010

.....J.  
[T.S THAKUR]