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SLP(Crl.)No. 1029 OF 2000
ITEM No.1

Court No. 4

SECTION IIA

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

Crl.M.P.Nos. 2525-2526 of 2004 in
Petition(s) for Special Leave to Appeal (Crl.) No. 1029/2000

(From the judgment and order dated 15.4.1998 in Crl.A 803/1991
of The High Court of Madras)

RAMAKRISHNAN

Petitioner (s)

VERSUS

STATE OF TAMIL NADU

Respondent (s)

(With Appln(s). for restoration and c/delay in filing application for
restoration)
(With Office Report)

Date : 12/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)Mr. V.J. Francis,Adv.

For Respondent (s)

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

When this SLP was filed on 8th April, 1999 the petitioner had not surrendered as required under the Supreme Court Rules. This Court for the first time granted four weeks' time on 12th July, 1999 to produce proof of surrender still petitioner did not surrender. Recently, the petitioner came to be arrested pursuant to the sentence imposed on him by the two courts below. So taking advantage of that arrest now he has produced proof of surrender alleging that he is now in custody. We are not inclined to entertain such plea nor encourage such conduct on the part of the petitioner who has disobeyed the Supreme Court Rules.

Be that as it may, Shri V.J. Francis, learned counsel for the petitioner persuaded us to look into the merits of the SLP. The contention of Shri Francis is that since the trial court came to the conclusion that the petitioner did not have the intention to kill the deceased, therefore, he could not have been punished for the offence punishable under Section 304 Part I of the Indian Penal Code and at the most his offence comes under Section 304 Part II IPC. In view of the fact that the petitioner did cause the fatal injury with a deadly weapon, in our opinion, the trial court was rather generous in bringing his offence under Section 304 Part I IPC and awarding a sentence of 7 years rigorous imprisonment which according to us being lenient the same does not call for any interference.

The application for restoration is dismissed. Consequently the special leave petition is also dismissed.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER