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SLP(Crl.)No. 1969 OF 2001

ITEM No.56

Court No. 5

SECTION II
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. 1969/2001

(From the judgement and order dated 09/10/2000 in CRLA 76/99
of The HIGH COURT OF A.P AT HYDERABAD)

SAMA CHINA NARSA REDDY

Petitioner (s)

VERSUS

STATE OF ANDHRA PRADESH

Respondent (s)

(With Office Report)

Date : 23/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. Himanshu Munshi,Adv.

For Respondent (s)

Mr. Guntur Prabhakar,Adv.
Ms. T. Anamika, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.J.

.SP2

Leave granted.

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

.SP1

(K.K. Chawla)
Court Master

(H.K. Bhatia)
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.735 OF 2001
(ARISING OUT OF SLP (CRL.) NO.1969 OF 2001)

SAMA CHINA NARSA REDDY ... APPELLANT

VERSUS

STATE OF ANDHRA PRADESH ... RESPONDENT

O R D E R@@
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.SP2

Leave granted.

At the time when notice was issued it was limited to the nature of offence. Learned counsel for the appellant contended that though deceased sustained some injuries on the head which consequentially caused intra crannial haemorrhage, he would not reasonably have anticipated that the blow inflicted by him would certainly have caused the said injury. In other words, learned counsel contended that the appellant cannot be credited with the definite intention to inflict the particular injury sustained. The said argument was addressed for the purpose of bringing down the offence from the "thirdly" clause of Section 300 of the Indian Penal Code.

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We find some force in the said contention, when we looked at the facts and the object used for beating the deceased. We, therefore, alter the conviction to Section 304 Part II of the Indian Penal Code. In the circumstances of this case a sentence of imprisonment for five years will be sufficient to meet the ends of justice. By so altering the sentence correspondingly, we dispose of this appeal.

.SP1

.....J.
(K.T. Thomas)

.....J.
(S.N. Variava)

New Delhi,
July 23, 2001.