

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 662-663 OF 2005

V.K. SUBEER & ORS.

Appellant (s)

VERSUS

STATE OF KERALA

Respondent(s)

(With appln(s) for permission to file addl. documents and office report)

Date: 06/10/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. R. Sundaravardan, Sr. Adv.
Mr. Vipin Nair, Adv.
Mr. P.B. Suresh, Adv.
For M/S. Temple Law Firm

For Respondent(s)

Mr. G. Prakash, Adv.
Mr. V. Senthil, Adv.

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

The appeals are dismissed in terms of the signed order.

(Neetu Khajuria)
Sr. P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 662-663 OF 2005

V.K. SUBEER & ORS.

APPELLANTS

VERSUS

STATE OF KERALA

RESPONDENT

O R D E R

On hearing Mr. R. Sundaravardan, senior advocate appearing for the appellants and on going through the materials on record, we are satisfied that the judgment of the High Court is based on a proper appreciation of evidence and it has rightly converted the conviction of the accused from Section 304 Part I to Section 304 Part II IPC and proportionately reduced his sentence from ten years to five years rigorous imprisonment.

Mr. Sundaravardan made an endeavour to convince us that the appellant could be properly convicted only under Section 326 IPC. It is not possible to accept the submission of Mr. Sundravardan. After all we can not overlook the fact that the heavy blow given by the appellant had the effect of a man losing his life. Moreover, the modification of conviction to section 326 shall have no material difference for the appellant because in the facts of the case the sentence, even under section 326, can not be anything less than what is awarded by the High court.

We are in agreement with the view taken by the High Court and see no reason to interfere in the matter.

The appeals are dismissed.

.....J.
(AFTAB ALAM)

.....J.
(R.M. LODHA)

New Delhi,
October 06, 2010.