

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). 659 OF 2005

MUKESH KUMAR

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 01/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. K.B. Sinha, Sr. Adv.

Mr. Rishi Malhotra, Adv.

Mr. Prem Malhotra, Adv.

For Respondent(s)

Mr. Rajeev Gaur 'Naseem', Adv.

Mr. T.V. George, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed in terms of the signed order.

[Charanjeet Kaur]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 659 OF 2005

Mukesh Kumar .. Appella
nt(s)

Versus

State of Haryana .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant along with Om Prakash and Murti Devi were tried and by judgment rendered by the trial Court, the appellant was convicted under Section 302 of the Indian Penal Code (for short, "IPC") and sentenced to undergo imprisonment for life and to pay a fine of Rs. 10,000/-, in default, to undergo further imprisonment for six months whereas other two accused persons were convicted under Section 304-B, IPC and sentenced to undergo rigorous imprisonment for a period of eight years. All of them were further convicted under section 498-A, IPC and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- each, in default to undergo further imprisonment for three months. Both the sentences were, however, ordered to run concurrently. On

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appeal being preferred by all the three convicted accused persons, the High Court acquitted the other two accused persons of the charge under Section 304-B, IPC but maintained their conviction under Section 498-A, IPC. So far as the appellant is concerned, the High Court upheld his convictions under Section 302, IPC as well as under Section 498-A, IPC. Hence, this appeal by special leave.

Having heard the parties and perused the records, we are of the view that the trial Court as well as the High Court have recorded convictions of the appellant upon detailed discussion of evidence and upon perusal thereof we do not find any ground to interfere with the impugned order.

Accordingly, appeal fails and the same is dismissed .

.....J

[B.N. AGRAWAL]

.....J

[A.K. MATHUR]

NEW DELHI,

MARCH 01, 2006.