

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 625 OF 2007

NATHU RAM

Appellant (s)

VERSUS

STATE (N.C.T.) OF DELHI

Respondent(s)

O R D E R

This appeal has been filed against the judgment and order dated 17.05.2005, passed by the High Court of Delhi at New Delhi in Criminal Appeal No.110 of 2003, by way of which it has affirmed the judgment and order dated 3.4.2012, passed by the learned Additional Sessions Judge, Delhi in Sessions Case No.79 of 2001 convicting the appellant under Section 302 of the Indian Penal Code, 1860 (hereinafter referred to as, 'the IPC'). The learned Sessions Judge has acquitted the accused No.2-Kashi Bai, wife of the deceased.

We have heard learned counsel for the parties and perused the record. The FIR itself makes it clear that the deceased-Hallu alias Hasu had come to the place of occurrence in a three-wheeler, and had asked his wife-Kashi Bai why she was working with the appellant. He had also abused the appellant, alleging that he had developed an illicit relationship with his wife-Kashi Bai. At this point, the appellant had tried to say something, and suddenly these two persons had started fighting. At this juncture, the appellant had hit the deceased from the opposite side of a kasi, and had subsequently also caused some other injuries. After causing such injuries he ran away. An FIR was lodged, and all other formalities were completed. Even the post mortem etc. was conducted and a charge-sheet was filed against the appellant. After the committal of the proceeding, the trial was concluded by the learned Sessions Judge, and he convicted the appellant and sentenced him as has been referred to hereinabove. Though, acquitted the co-accused-Kashi Bai and the High Court have affirmed it.

In the light of facts and circumstances of this case, as there was a sudden fight, and the same could not have been a premeditated incident, we are of the opinion that the same was a case under Section 304 Part-I, instead of under Section 302 IPC.



