

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4205/2009

(From the judgement and order dated 09/01/2009 in CRLA
No. 16/2000 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MURALIDHAR & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA Respondent(s)

(With appln(s) for bail and office report)

Date: 15/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Gaurav Agrawal,Adv.

For Respondent(s) Mr. Kamal Mohan Gupta,Adv.
Mr. Gaurav Teotia,Adv.
Ms. Reeta Chaudhary,Adv.

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

Leave granted.

The conviction of appellants is converted from
Section 302 IPC to one under Section 304 Part II, and
their sentence of imprisonment is reduced to eight years
in terms of the signed order. Appellant No.1 is directed
to pay a compensation of Rs.2 lakhs to the widow of the
deceased, namely, Munni Devi.

List this matter after four months for directions.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2010
(Arising out of SLP(Crl.) No.4205/2009)

MURALIDHAR AND ORS. Appellant(s)

:VERSUS:

STATE OF HARYANA Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and

order dated 9th January, 2009 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal No.16-DB of 2000.

Appellant No.1 Murlidhar and his two sons, namely, Devender and Deepak Kumar were convicted by the learned Sessions Judge, Narnaul, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and were sentenced to life imprisonment. They were also directed to pay a fine of Rs.2,000 each and in default of payment of fine, to undergo further rigorous imprisonment for one year.

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We have heard the learned counsel for the parties and perused the post-mortem report and other documents.

The dispute in question was regarding the payment of the electricity charges. An altercation ensued between the parties and one Dilbag Singh sustained injuries on the spleen which resulted in his death. It is not clear as to who gave the blow on the spleen of the deceased because all the accused have been convicted under Section 302 with the aid of Section 34 IPC.

On a consideration of the totality of the facts and circumstances of this case, in our considered opinion, ends of justice would be met if the conviction of appellants is converted from Section 302 IPC to one under Section 304 Part II, and their sentence of imprisonment is reduced to eight years. We direct accordingly.

Appellant No.1 is directed to pay a compensation of Rs. 2 lakhs, on behalf of appellant Nos.2 & 3 and on

his behalf, to the widow of the deceased, namely, Munni
Devi.

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The sum of Rs. 2 lakhs shall be deposited in the
Court of learned Sessions Judge, Narnaul, within three
months from today. The learned Sessions Judge, Narnaul
shall ensure that the said amount, on being deposited, is
paid to Munni Devi - widow of the deceased Dilbag Singh.

List this matter after four months for directions.

.....J
(DALVEER BHANDARI)

.....J
(A.K. PATNAIK)

New Delhi;
February 15, 2010.