

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).3790/2009

(From the judgment and order dated 23/05/2002 in CRLR No. 584/1999 of
The HIGH COURT OF PATNA)

ANAL SINGH & ORS. Petitioner(s)

VERSUS

STATE OF BIHAR & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP,stay and office report)

Date: 27/09/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s)
Mr. Nagendra Rai, Sr. Adv.
Mr. Shantanu Sagar, Adv.
Mr. S. Singh, Adv.
Ms. Prite, Adv
Ms. Badre Munir, Adv.
Mr. T. Mahipal,Adv.

For Respondent(s)
Mr. Gopal Singh,Adv.

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

Leave granted.

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

(Deepak Joshi) (Indu Satija)
Sr. P.A. Court Master
(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1868 OF 2010
(Arising out of SLP (Crl.)No. 3790 of 2009)

ANAL SINGH & ORS.Appellant (s)

Versus

O R D E R

Leave Granted.

Heard learned counsel for the parties.

This Appeal by special leave have been filed against the impugned final order & judgment dated 23.05.2002 passed by the High Court of Judicature at Patna in Crl. Revision No 584 of 1999.

The high Court has merely remanded the matter to trial court. Hence, we are not inclined to interfere with the impugned order, especially, when there is delay of seven years in filing the special leave petition.

Learned counsel for the petitioner submitted that High Court has observed that the accused must be convicted under Section 302 IPC.

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CIVIL APPEAL NO. OF 2010
(Arising out of SLP © 3790 of 2009)

We do not agree. In our opinion, the High Court has only said that accused could be convicted under Section 302 and not that he must be convicted under Section 302. The use of the word 'could' merely means that it is open to the High Court to convict the accused under Section 302 but it could also convict them instead under some other provision of the Indian Penal Code if a case for doing so is made out.

With these observations this Appeal is
disposed of.

.....J
[MARKANDEY KATJU]

.....J.
[T. S. THAKUR]

NEW DELHI;
SEPTEMBER 27, 2010