

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)... 2012

CRLMP.NO(s). 21515

(From the judgement and order dated 28/07/2006 in CRLA No.691/1997,  
of The HIGH COURT OF MADRAS)

PADMANATHAN

Petitioner(s)

VERSUS

STATE REP.BY INSPECTOR OF POLICE

Respondent(s)

(With appln(s) for c/delay in filing SLP,  
c/delay in refiling SLP)

Date: 18/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE A.K SIKRI

For Petitioner(s) Ms. Mahalakshmi Pawani, Adv. for  
M/S.Mahalakshmi Balaji & Co., Advs.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

This S.L.P. is directed against the judgment dated 28th July, 2006 of the Division Bench of the Madras High Court by which the High Court has modified the conviction of the petitioner from one under Section 302, IPC to one under Section 304(i), IPC and awarded a sentence of seven years rigorous imprisonment for the offence under Section 304(i), IPC.

The only contention raised by the learned counsel for the petitioner before us is that the petitioner and the widow of the deceased have entered into a compromise. She cited the decisions of this Court in Ishwar Singh v. State of Madhya Pradesh, (2008) 15 SCC 667 and Gulab Das v. State of MP, (2011) 10 SCC 765 in which this Court has considered the compromise entered into between the parties and reduced the sentence awarded by the High Court.

We have perused the aforesaid decisions cited by the counsel and we find that those decisions are in respect of the offence of attempt to murder under Section 307, IPC. In this case, the offence for which the petitioner has been convicted is not under Section 307, IPC but the offence of culpable homicide not amounting to murder under Section 304(i), IPC for which the petitioner has been sentenced for seven years R.I. We do not think the aforesaid decisions apply to the facts of this case. We accordingly find no merit in this S.L.P. and the same is dismissed.

| (G. SUDHAKARA RAO)  
| COURT MASTER

| | (SHARDA KAPOOR)  
| | COURT MASTER