

ITEM NO.19

Court 8 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10697/2020

KALIYAMURTHY

Petitioner(s)

VERSUS

STATE BY INSPECTOR OF POLICE

Respondent(s)

(FOR ADMISSION and I.R. and IA No.72400/2020-CONDONATION OF DELAY  
IN FILING and IA No.72402/2020-EXEMPTION FROM FILING O.T. and IA  
No.72398/2020-EXEMPTION FROM SURRENDERING WITHIN TIME )

Date : 17-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY  
[IN CHAMBER]

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.  
Mr. Hardik Gautam, Adv  
Mr. M.P. Parthiban, AOR

For Respondent(s)

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

Heard Mr. S. Nagamuthu, learned senior counsel appearing for the petitioner. He points out that this is an unfortunate case of a father killing his spendthrift son on being threatened by the son for not giving him Rs.30,000/-, as demanded. The father could not procure the money and was upset and on 09.01.2008 while the son was sleeping, the accused beat the son with a Cricket Bat and caused his death.

The learned senior counsel submits that all witnesses turn hostile and the conviction is primarily based on the extrajudicial confession of the accused, made before the village Administrative Officer.

Considering the above and the fact that the petitioner is convicted under Section 304-I of the IPC and his sentence was reduced to seven years imprisonment from 10 years, by the Madras

High Court, in the Criminal Appeal No. 06/2009 and the further fact that the Petitioner was on bail during the pendency of the appeal before the High Court, I deem it appropriate to exempt the petitioner from surrendering. It is ordered accordingly.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
COURT MASTER (NSH)