

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

C R I M I N A L A P P E A L N O (s) . 5 6 8 - 5 6 9 O F 2 0 0 1

S H A M B H U R A I & O R S .

A p p e l l a n t (s)

V E R S U S

S T A T E O F B I H A R

R e s p o n d e n t (s)

(With appln. for directions and with office report)

Date: 1 7 / 0 6 / 2 0 0 8

These Appeals were called on for hearing today.

C O R A M :

H O N ' B L E D r . J U S T I C E A R I J I T P A S A Y A T

H O N ' B L E M R . J U S T I C E G . S . S I N G H V I

(Vacation Bench)

F o r A p p e l l a n t (s)

Ms. Mridula Ray Bhar adw aj, Adv. (NP)

F o r R e s p o n d e n t (s)

Mr. Gopal Singh, Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g

O R D E R

The Appeals are disposed of in terms of the signed order.

(Ganga Thak u r)

P S t o R e g i s t r a r

(Anand Singh)

C o u r t M a s t e r

(Signed order is placed on the file)

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

C R I M I N A L A P P E L L A T E J U R I S D I C T I O N

C R I M I N A L A P P E A L N O S . 5 6 8 - 5 6 9 O F 2 0 0 1

S H A M B H U R A I & O R S .

...A P P E L L A N T (S)

V e r s u s

S T A T E O F B I H A R

..R E S P O N D E N T

(S)

O R D E R

None appears for the appellant even though the matter

was passed over once. By order dated 10th November, 2000, notice was given to the appellants to show cause why they shall not be convicted in terms of Section 304 instead of Section 325 of the Indian Penal Code, 1860 (in short I.P.C.). Notice was duly served and learned counsel appearing for them also noted it.

We have perused the judgment of the High Court. We are satisfied that the High Court was not justified in altering the conviction of the appellant from 304 I.P.C. to one under Section 325 I.P.C. Though the State had not challenged the alteration of the conviction, in view of the order above dated 10th November, 2000, and on perusal of the judgment the alteration appears to be

unwarranted. That being so, the judgment of the trial court is restored and that of the High Court is set aside so far as the alteration of conviction is concerned.

The Appeals are, accordingly, disposed of.

.....J.
(Dr. ARI J I T P A S A Y A T)

..... J.
(G.S. S I N G H V I)

New Delhi,
June 17, 2008.