

\$ITEM NO.121

COURT NO.6

SECTION IIA

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

CRIMINAL APPEAL NO(s). 879 OF 2005

ASHOK KUMAR

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 23/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Kawaljit Kochar, Adv.
Mr. Ashok K. Sharma, Adv.for
Ms. Kusum Chaudhary,Adv.

For Respondent(s) Mr. Manjit Singh, AAG
Mr. Harikesh Singh, Adv.for
Mr. Kamal Mohan Gupta,Adv.

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.879 OF 2005

Ashok Kumar

..Appellant

versus

State of Haryana

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 17th March, 2004 passed by the High Court of Punjab & Haryana at Chandigarh in Criminal Appeal No. 123 of 1990.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

There was no charge under Section 306 IPC against the appellant. A perusal of the impugned judgment shows that the finding of the High Court is that no offence under Section 304 B IPC is made out. Neither any article nor money was demanded soon before the death of the decesased.

The deceased and the accused were living separately at the time of the incident.

In the circumstances, we are of the opinion that the appellant is entitled to the benefit of doubt.

Accordingly, this appeal is allowed and the impugned CRIMINAL APPEAL NO.879 OF 2005

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judgments of the courts below convicting the accused are set aside.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
FEBRUARY 23, 2011

.....J.
[GYAN SUDHA MISRA]