

ITEM NO.118

COURT NO.6

SECTION II

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). 1428 OF 2003

MUTHURAJ @ MUTHU

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

Date: 22/07/2010 This Appeal was called on for hearing today.

CORAM :

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

For Appellant(s)

Ms. Kiran Suri, Adv.  
Mr. S.J. Amith, Adv.  
Ms. Aparna Bhat Mattoo, Adv.

For Respondent(s)

Mr. Sanjay R. Hegde, Adv.  
Mr. Ramesh Kr. Mishra, 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. 1428 OF 2003

Muthuraj @ Muthu

..Appellant

versus

State of Karnataka

..Respondent

O R D E R

This Appeal has been filed against the impugned

judgment of the High Court of Karnataka at Bangalore dated 10th June, 2003 passed in Criminal Appeal No. 295 of 1999.

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

It has been observed in the impugned judgment of the High Court that the defence version is more probable and natural one and that it was the deceased and his family members who started attacking A1 (the father of the appellant-A2) while they were passing in front of his house. There are very serious injuries on A1 also, as we have seen from the record.

Hence, we convert the conviction of the appellant from Section 302/34 IPC to Section 304 Part-II, IPC and

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reduce the period of sentence to the period already undergone by him.

By order dated 28th November, 2003, the appellant was released on bail. His bail bonds shall stand discharged.

The Criminal Appeal is, accordingly, allowed.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
JULY 22, 2010

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