

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4202/2007

[From the judgement and order dated 16/04/2007 in Crl.A No.1286/2001
(Old No.839/1990) of The HIGH COURT OF UTTARAKHAND AT NAINITAL]

BALBIR SINGH

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

[With appln(s) for bail and office report]

Date: 01/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. B.S. Jain, Adv.
Mr. Ajay Veer Singh, Adv.
Ms. Mamta Jain, Adv.
Mr. Manish Raghav, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s) Mr. Jatinder Kumar Bhatia, Adv.
Mr. Bishesha Nand Jha, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.
The appeal is disposed of in terms of the signed order.

(Subhash Chander)
Court Master

(Kanwal Singh)
Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1316 OF 2007
[Arising out of S.L.P.(Crl.)No.4202 of 2007]

Balbir SinghAppellant

Versus

State of UttarakhandRespondent

ORDER

Leave granted.

The trial court convicted the appellant under Section 302 read

with Section 34 of the Indian Penal Code (IPC) and sentenced him to undergo imprisonment for life. The High Court, in appeal, converted the offence and found him guilty of offence punishable under Section 304-II read with Section 34, IPC and sentenced him to undergo rigorous imprisonment for a period of ten years.

Notice was issued in this matter limited to the question of sentence.

After hearing counsel for the parties, we deem it fit to uphold the order of conviction passed by the High Court. However, in the facts and circumstances of the case, we reduce the period of sentence from ten years to five years.

The appeal is disposed of accordingly.

Sd/-
.....J.
[ASHOK BHAN]

New Delhi.J.
October 01, 2007. [D.K. JAIN]

Sd/-