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SLP(Crl.)... 116 OF 2001
ITEM No.59

Court No. 4

SECTION II

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

Petition(s) for Special Leave to Appeal(Crl.)...../2001

(From the judgement and order dated 30/05/2000 in DBCBA 249/00
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

KAILASH CHAND

Petitioner (s)

VERSUS

STATE OF RAJASTHAN

Respondent (s)

(With Crl.M.P. No 116/2001 for c/delay in filing SLPan appln. for c/delay in refiling SLP)
(With Office Report)

Date : 29/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. P.K. Bey, Adv.
for Ms. Abha R. Sharma,Adv.

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2

Issue notice returnable within four weeks.
Learned counsel for the petitioner draws our attention to
the post-mortem report, it shows that the deceased
sustained injury on the lever. From the evidence of PW4
we found that the petitioner had inflicted an assault on
the deceased including one on the rib side. Even if the
said injury can be connected with fatal injury sustained
on the lever, the plea could be made regarding the nature
of the offence that it could not be under section 302 IPC
but only culpable homicide not amounting to murder.
Hence we have to consider the matter after notice is
served. Dasti service is permitted. List after four
weeks.

.SP1

Sushma

(H.K. Bhatia)
Court Master