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SLP(Crl.)No. 3999 OF 2000

ITEM No.42

Court No. 5

SECTION IIA

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.) No. 3999/2000

(From the judgement and order dated 17/08/2000 in CRLA 664/85
of The HIGH COURT OF BOMBAY)

SHANKAR BALU PATIL

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA

Respondent (s)

(With Appln(s). for bail)
(With Office Report)

Date : 12/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Sushilk Karanjakar, Adv.
Mr. Gopal Balwant Sathe, Adv.

For Respondent (s) Mr. SS Shinde, Adv.
Mr. S.V. Deshpande, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.

In this case, the appellant is convicted under section 304 Part-I of the IPC after entering upon the finding that the accused was justified in exercising his right of private defence, but exceeded his right. We feel that the matter requires further consideration of this Court. Accordingly we grant leave. We also allow the appellant to be released on bail and his sentence will stand suspended, in the meanwhile, if the appellant will execute a bond with two solvent sureties to the satisfaction of the Trial Judge.

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Hemalatha

(HK Bhatia)
Court Master