

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

CrI.A.No. 423/2000

Shamshad

Appellant

VERSUS

State of U.P.

Respondents

(With appln. for bail and office report)

Date : 1.11.2000. This appeal was called on for hearing today.

CORAM :

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

For Appellant (s) Mr. B.B.Singh,adv.

For Respondent (s) Mr. Praveen Swarup,adv.
Mr. Prashant Chaudhary,adv.for
Mr.Pramod Swarup,adv.

UPON hearing counsel Court made the following

ORDER

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

This appeal is dismissed.

.SP1

(Suman Wadhwa) (H.K.Bhatia)
PA to Addl.Regr. Court Master

Signed order is placed on the file.

.PA
.PL55

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 423 OF 2000 @@
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Shamshad ...Appellant

Vs.

State of U.P. ...Respondent

ORDER@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

We heard Mr. B.B.Singh, learned counsel for the appellant and Mr. Praveen Swarup, learned counsel for the State of U.P. The concurrent finding on facts do not require interference by us. Mr. B.B.Singh then made an alternative contention that the offence can be changed to Sec.304 Part-I of the IPC on the premise that it was not a premeditated murder. That aspect alone cannot help for lowering the offence from Sec.302 to Sec.304 Part-I of the IPC. The injuries sustained by the accused are all simple and he would have sustained them in the course of the action he lodged against the deceased and the two other injured PW.1 and PW.2. It is to be noted that all those victims sustained very serious injuries and the injuries sustained by the deceased are devastatingly serious. In the course of inflicting those injuries it is quite possible that they too would have resisted against the onslaughts and they

-2-

would account for the minor injuries found on the person of the appellant. For those reasons we are not persuaded to interfere.

This Appeal is accordingly dismissed.

.SP1

.....J.  
(K.T. Thomas)

New Delhi;  
November 1, 2000.

.....J.  
(R.P.Sethi)