

&
SLP(Crl.)No. 3925 OF 2000

ITEM No.41

Court No. 5

SECTION IIA
A/N MATTER

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. 3925/2000

(From the judgement and order dated 29/08/2000 in CRLA 2698/00
of The HIGH COURT OF BOMBAY)

LAXMAN MAHADEO SARIPUTRA

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment 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. Vijay Bahuguna, Sr.Adv.
Mr. Saket Bahuguna, Adv.
Ms. Ritu Puri, Adv.
Mr. Dinesh Kumar Garg,Adv.

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

UPON hearing counsel the Court made the following

O R D E R

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

Leave granted.
The Criminal Appeal is disposed of.

.SP1

Hemalatha

(HK Bhatia)
Court Master

(signed order is placed on file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.....of 2001@@
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(Arising out of SLP(Cr)3925/2000)

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

LAXMAN MAHADEO SARIPUTRA .. APPELLANT

VS.

STATE OF MAHARASHTRA .. RESPONDENT

O R D E R@@
AAAAAAAAA

.SP2

Leave granted.

In this case the appellant stands charged under section 302 IPC. It is described to be a lock up murder case in which the Sub-Inspector is alleged to have beaten a prisoner to death for the purpose of extracting a confession. Learned counsel for the appellant contended that even if the entire allegations could be taken as proved, the offence cannot go beyond section 304 Part I of the IPC in view of the Exception No.3 contained under section 300 of the IPC.

While refraining from expressing our final view on the matter, we say that the point raised is certainly worthy to be considered by the Court.

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We, therefore, order the appellant -Sub Inspector to be released on bail on his executing a bond in a sum of Rs.25,000/- with two solvent sureties to the satisfaction of the Trial Judge.

The Criminal Appeal is disposed of.

.SP1

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

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

New Delhi
February 12, 2001.

.....J.
(B.N. Agrawal)