

ITEM NO.2

COURT NO.1

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) No(s).4891/2005

(From the judgement and order dated 01/07/2005 in Crl.M.A No. 8116/2005
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HAMIDA

Petitioner(s)

VERSUS

RASHID @ RASHEED & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay and exemption from filing O.T. and
permission to place addl. documents on record)

Date: 19/10/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. B S Jain, Adv.

Mr. Ajay Veer Singh Jain, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The learned counsel for the petitioner submits that

looking to the nature of injury suffered by the victim, the

initial registration of the offences under Sections 324, 352

& 506, I.P.C. was itself not correct and the police should

have registered the offence under Section 304, I.P.C.

Consequent upon injury suffered on 12.6.2005, the injured

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died on 20.6.2005 whereupon the police converted the offence

under Section 304, I.P.C. while the complainant vide his

application dated 23.6.2005 had prayed for an offence under

Section 302, I.P.C., being registered. Initially, the

accused persons were granted bail for the offences under

Sections 324, 352 & 506, I.P.C. The High Court purportedly

exercising power under Section 482, Cr.P.C. passed the

impugned order directing release of the accused on bail
subject to furnishing fresh security bonds for offence under
Section 304, I.P.C. In the submission of the learned
counsel, this could not have been done.

Issue notice returnable early.

Dasti service, in addition, is permitted.

(D.P. WALIA)

COURT MASTER

(RADHA R. BHATIA)

COURT MASTER