

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRI M I N A L AP P E A L NO(s). 87 2 OF 2 0 0 1

RA B I N D R A S I N G H

Appellant (s)

VER SUS

STA T E OF BIH A R

Respondent(s)

(With office report)

Date: 15 / 1 0 / 2 0 0 8 This Appeal was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E B.N. AGRA W A L
HON' B L E MR. JUS T I C E G.S. S I N G H V I
HON' B L E MR. JUS T I C E AFT A B ALAM

For Appellant(s) Mr. S.B.S a nyal, Sr. Adv.
Mr. Sunil Roy,Adv.

For Respondent(s) Mr. Gopal Singh,Adv.

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

The Appeal is dismissed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Savita Sainani)
Court Master

[Signed Order is placed on the File]

I N T H E S U P R E M E C O U R T O F I N D I A

CRI M I N A L AP P E L L A T E J U R I S D I C T I O N

CRI M I N A L AP E A L NO.8 7 2 OF 20 0 1

Rabindr a Singh

..Appellant

versus

State of Biha r

..Respondent

O R D E R

Heard learned counsel for the parties.

Appellant Rabindra Singh and 9 others were prosecuted for offences under Section 30 2 read with Section 1 4 9 of the Indian Pen al Code, 1 8 6 0 (hereinafter for short 'IPC') and Section 1 4 7 I PC. The appellant was independently charged under Section 3 0 2 I PC for causing

death of Dularoo Singh. The trial Court acquitted other accused but convicted the appellant under section 302 I PC and sentenced him to undergo imprisonment for life.

The State did not file an appeal against the acquittal of 9 accused and the appeal preferred by the appellant was dismissed by the High Court.

Hence, this appeal by special leave.

At the time of issuance of notice, a limited rule was issued confined to the question of nature of offence.

Shri S.B.S a nyal, learned senior counsel appearing in support of the appeal submitted that the trial court as well as the High Court were not justified in convicting the appellant under Section 302, I PC as the victim did not die because of the injuries said to have been inflicted by him but because of bacterial infection which developed because of the injuries.

We have considered the submission of the learned counsel for the appellant and perused the record including the statement of the Doctor and the post mortem report. The prosecution has succeeded in proving that injury No.1 was fatal. According to the medical evidence, injury No.1 was sufficient to cause death in the ordinary course of nature.

In our view, the High Court was quite justified in upholding the conviction of the appellant under Section 302, I PC and no interference is called for by this Court. The appeal fails and is, accordingly, dismissed.

Since, the appellant was released on bail by this Court on 28.08.2001, his bail bonds are cancelled and he is directed to be taken into custody forthwith to serve out the remaining portion of the sentence. The trial court is directed to see that the appellant is taken into custody forthwith for which report must be sent to this Court within a period of two months

from the date of the receipt/production of a copy of this order.

..... J.
[B.N.AG R A W A L]

..... J.
[G.S.S I N G H V I]

N E W D E L H I ;
O C T O B E R 1 5 , 2 0 0 8

.....J.
[AFT A B ALAM]