

Cr1.A.No. 1057 OF 2001
 L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J.R
 Item No. Court No. Section
 104 01 II

S U P R E M E COURT O F I N D I A
 Record of Proceedings

Criminal Appeal No. 1057 of 2001

Varinder Kumar Babla Appellant (s)

vs.

State of Himachal Pradesh Respondent(s)

Date:03/10/2002 This/These matter(s) was/were called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARIJIT PASAYAT
 HON'BLE MR. JUSTICE S.B. SINHA

For the Appellant (s): Mr. Mayur Ramesh Chandra Shah, Adv. (AC)

For the Respondent(s): Mr. Anil Nag, Adv. (NP)

UPON hearing the counsel the Court made the following ORDER

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Heard the learned Amicus Curiae from 12.40 P.M. to 12.55 P.M.

The appeal is disposed of in terms of the signed order. The sentence is reduced from life imprisonment to eight years' imprisonment.

(D.P. Walia)
 Court Master

(S.L. Goyal)
 Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPEAL NO. 1057 OF 2001@@
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Varinder Kumar @ Babla

..Appellant

vs.

State of Himachal Pradesh

..Respondent

O R D E R@@
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In the instant case, the appellant has been convicted of an offence under Section 302 of the Indian Penal Code, 1860 (for short "IPC") and sentenced to imprisonment for life. The case of the prosecution was that the deceased Ranjit Singh and the accused met at a teastall on 1st October, 1996 in the morning at 10.45 A.M. An altercation took place between them whereupon the accused took out a dragger and gave four blows on the chest and the right side of the back of the deceased. As a result of the said injuries, Ranjit Singh died. In support of their case, the prosecution adduced PW-1 and PW-5 who were the two witnesses present at the time of occurrence.

Both the eye-witnesses have been believed by the trial court as well as the High Court. We do not see any reason as to why their testimony should be discarded.

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We, however, find that the nature of the incident is such that even if the testimony of PW-1 and PW-5 is accepted as narrated by them, the offence made out would be under Section 304 Part I, IPC and we, accordingly, convict the appellant under that Section and reduce the sentence from life imprisonment to eight years' imprisonment.

The appeal is disposed of in the aforesaid terms.

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.....CJI.
(B.N. KIRPAL)

.....J.
(ARIJIT PASAYAT)

.....J.
(S.B. SINHA)

New Delhi:
October 3, 2002.