

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).6427/2009

(From the judgement and order dated 24/04/2009 in CRLR No. 179/2002
of The HIGH COURT OF H.P AT SHIMLA)

MAST RAM Petitioner(s)

VERSUS

STATE OF H.P. Respondent(s)

(With office report)

Date: 19/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Varinder Kumar Sharma,Adv.

For Respondent(s) Mr.Sumeet Sharma,Adv.,
Mr. Prashant Bhushan,Adv.

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

Leave granted. Sentence of undergoing simple
imprisonment till the rising of the court awarded to the
appellant is set aside. Appeal is accordingly disposed of.

(V.K. SHARMA)
AR-CUM-PS

(NEERU BALA VIJ)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRL. APPELLATE JURISDICTION

CRL.APPEAL NO.549/2010
(Arising out of SLP (Crl.) No.6427/2009)

Mast Ram ..Appellant

Versus

State of Himachal Pradesh ..Respondent

O R D E R

Leave granted.

This appeal is directed against the judgment of the High Court of Himachal Pradesh passed in Criminal Revision No.179/2002. The appellant has been convicted under Section 336, IPC and was sentenced to undergo simple imprisonment till the rising of the Court and to pay a fine of Rs.250/-and in default in payment of fine to undergo simple imprisonment of 15 days.

The brief facts which are necessary to dispose of the appeal are recaptulated as under.

The complainant PW-1 Rup Lal was working as Assistant Lineman with Himachal Pradesh State Electricity Board, Sub Division Ghumarwin in 1995. On 11.1.1995, at place Bhadrog while he was carrying out repair work on the main transmission line, the appellant who was working as Lineman had switched on G.O. (Ground Operative) switch which resulted into grievous injuries on the complainant. This has happened admittedly because of inadvertence. The appellant has been convicted by all courts. The fine has already been deposited.

We have heard learned counsel for the parties. In the facts and circumstances of the case, we deem it appropriate to set aside the sentence of undergoing simple imprisonment till the rising of the court. We order accordingly. The appeal is accordingly disposed of.

.....J
(Dalveer Bhandari)

.....J
(A.K. Patnaik)

New Delhi,
March 19, 2010