

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos. 2147-2148 OF 2011

DEVIPUJAK ASHOKBHAI HIRBHAI & ANR. Appellant(s)

VERSUS

STATE OF GUJARAT Respondent(s)

O R D E R

Heard the learned counsel for the parties.

We find that notice was issued in this matter on a limited issue viz, where the case was made out for modifying the conviction to one under Section 304(1) of the Indian Penal Code.

We have gone through the postmortem report which was proved before the trial court as Exhibit 20. It reflects following wounds and injuries which were suffered by the deceased :-

- 1) Incised wound 1 ½ inch in length X 1 inch wide in size on left side of chest injuries below left nipple and 5 inches deep.
- 2) Incised wound 1 inch in length X ½ inch in width 1 inch deep at left side of chest one inch medial to injury No. (17/1).
- 3) Incised wound 2 inch in length X 1 inch in width and 4 inches deep in left axilla.
- 4) Incised wound 1 inch in length X ½ inch in width ½ inch deep at lower back region 1 inch left lateral

to L1-L2 level of spine.

The internal injuries which were mentioned in this report are the following :-

- 1) Left lung teared and collapsed.
- 2) Pericardium teared.
- 3) Heart teared at is anterior wall.

From the aforesaid injuries, it becomes amply clear that they are on the vital parts of the body of the deceased and also show repeated assaults on the victim. It can, therefore, be clear that these injuries were inflicted with intention to commit murder.

We, thus, do not find any merit in these appeals and the same are, accordingly, dismissed.

We note that the appellants were released on bail by this Court on 18.11.2011.

Two months' time is granted to the appellants to surrender, failing which, it would be open to the police authorities to arrest them for serving out the sentence.

.....J.
[A.K. SIKRI]

.....J.
[UDAY UMESH LALIT]

New Delhi;
May 28, 2015.

ITEM NO.111

COURT NO.2

SECTION IIB

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

Criminal Appeal No(s). 2147-2148/2011

DEVIPUJAK ASHOKBHAI HIRBHAI

Appellant(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

Date : 28/05/2015 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE UDAY UMESH LALIT
(VACATION BENCH)

For Appellant(s) Ms. Shirin Khajuria, Adv.

For Respondent(s) Ms. Jesal Wahi, Adv.
For Mrs. Hemantika Wahi, Adv.UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(Jayant Kumar Arora)
Sr. P.A.(Suman Jain)
Court Master

(Signed order is placed on the file)