

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

Petition(s) for Special Leave to Appeal (Crl)... 2011
CRLMP.NO(s). 19051-19052

(From the judgement and order dated 26.03.2010 in CRLA No. 2186/2004
and CRLA No. 1956/2005 of the HIGH COURT OF GUJARAT AT AHMEDABAD)

DEVIPUJAK ASHOKBHAI HIRABHAI Petitioner(s)

VERSUS

STATE OF GUJARAT Respondent(s)

(With appln(s) for c/delay in filing and refiling the SLP)

Date: 30/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Ms. Shirin Khajuria, Adv.
(appearance not given)

For Respondent(s)

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

Delay condoned.

Counsel for the petitioners submits that according to the prosecution case, the deceased Chandan was giving abuses to the accused. Further, as noted in the judgment of the trial court (at page 418 of the SLP brief), the deceased caught hold of the hair of accused No.1 and on seeing that accused Nos. 2 and 3, who were his sons, came to his rescue and then blows were inflicted on the deceased by an axe and a knife.

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Learned counsel submitted that in the facts of the case, the High Court ought to have considered whether a case was made out for modifying the conviction to one under Section 304, Part-I, of the Penal Code.

Issue notice limited to the nature of the offence.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master