

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1702 OF 2007

RAMAVTAR Appellant (s)

VERSUS

STATE OF CHHATTISGARH Respondent(s)

(With office report)

Date: 15/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s) Mr. Anil Kr.Mittal,Adv.(A.C.)

For Respondent(s) Mr. Dharmendra Kumar Sinha,Adv.

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

In terms of the signed order, the appeal is dismissed.

However, as it is pointed that this Court has enlarged the appellant on bail vide order dated 2nd March, 2009 making a note in the order itself that the appellant has been in custody for about 14 years, we request the State authorities to consider his case for pre-mature release under Section 433-A Cr.P.C.

(O.P. Sharma) (M.S. Negi)
Court Master 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(s). 1702 OF 2007

RAMAVTAR ..Appellant

VERSUSa

STATE OF CHHATTISGARH ..Respondent

O R D E R

This appeal has been preferred against the

impugned judgment and order dated 16.2.2006 passed by the High Court of Chhattisgarh in Criminal Appeal No.2530/2007 by which the High Court has confirmed the judgment and order dated 26.7.1997 passed by the trial Court in Sessions Trial No.296/1995 wherein the appellant had been convicted for the offence punishable under Section 302 of the Indian Penal Code (for short "the IPC") and sentenced to undergo rigorous imprisonment for life.

The facts and circumstances of the case are that the appellant murdered one Munkaran Singh Gond on 9.4.1995 at 8 o'clock in the morning having suspected that the deceased has developed illicit relationship with his wife Fuljhariya. According to the prosecution case, the appellant, deceased and the wife of the appellant had been collecting the flowers of Mahua on the fateful day

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and when Fuljhariya-wife of the appellant, was at some distance, the appellate started talking to the deceased about the illicit relationship developed by him with the appellant's wife and it is at that time, the appellant assaulted the deceased with the axe.

He died on the

spot. In this respect after completing all the formalities, the Investigating Officer filed the chargesheet and after considering the entire evidence on record including the evidence of the appellant's wife Fuljhariya and the mother of the appellant (P.W.4), the trial Court convicted the appellant under Section 302 IPC and awarded the sentence of life imprisonment.

The High

Court has confirmed the judgment and order of the Sessions Court. Hence this appeal.

Mr. Anil Kumar Mittal, learned Amicus Curiae, appearing for the appellant pointed out that this was a

case of sudden and grave provocation that the appellant could not resist and assaulted the deceased with axe after knowing the illicit relationship between the deceased and the appellant's wife. However, there is

nothing on record nor this defence has been taken by the appellant even at the time of recording his statement

under Section 313 Cr.P.C.. No evidence has been laid either by the prosecution or by the defence in this regard. In view of the above, we are not inclined to

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entertain completely a new plea which is not founded on facts. We do not find any force in the submission of the learned counsel of the appellant. The appeal, being devoid of any merit is dismissed.

However, as it is pointed that this Court has enlarged the appellant on bail vide order dated 2 nd March, 2009 making a note in the order itself that the appellant has been in custody for about 14 years, we request the State authorities to consider his case for pre-mature release under Section 433-A Cr.P.C.

.....J.
[DR. B.S. CHAUHAN]

.....J.
[DIPAK MISRA]

NEW DELHI
MAY 15, 2012