

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 744 OF 2010

RUP CHAND MAHATO & ORS.

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

O R D E R

The only question agitated in this appeal is whether the facts of this case would warrant application of Exception 4 of Section 300 of Indian Penal Code, so as to convert the offence under Section 302 of Indian Penal Code to one under Section 304 (II) of Indian Penal Code.

Two Courts below have concurrently found that it was a case of culpable homicide; and the benefit of exception would not be available to the appellants, considering the fact situation of the present case.

We have closely examined the relevant evidence and are inclined to affirm the conclusion reached by the High Court regarding commission of offence under Section 302 of Indian Penal Code. The circumstances in which the offence has been committed by the appellants do not come within the purport of Exception 4 of Section 300 of Indian Penal Code, which is now sought to be invoked by the appellants.

Hence, the Criminal Appeal fails and is dismissed. The bail bonds stand cancelled.

The appellants should surrender before the concerned jail authority within six weeks from today.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
August 29, 2019

ITEM NO.102

COURT NO.8

SECTION II-B

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). 744/2010

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Appellant(s)

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THE STATE OF WEST BENGAL

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Date : 29-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s)

Mr. Shekhar Kumar, AOR

Mr. Ajay Veer Singh Jain, Adv.

Ms. Mamta Jain, Adv.

Mr. Uday Ram Bokadia, Adv.

Mr. Rajkishor Verma, Adv.

Ms. Divya Garg, Adv.

Mr. Mohd. Irshad Hanif, AOR

For Respondent(s)

Mr. Suhaan Mukerjee, Adv.

Ms. Astha Sharma, Adv.

Mr. Abhishek Manchanda, Adv.

Mr. Amit Verma, Adv.

Mr. Kajal Dalal, Adv.

Mr. Prastut Dalvi, Adv.

Ms. Dimple Nagpal, Adv.

Mr. Naveen Kumar, Adv.

M/S. Plr Chambers And Co., AOR

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

The Criminal Appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

