

CASE NO.:
Appeal (crl.) 934-936 of 1995

PETITIONER:
Chaman

RESPONDENT:
State of U. P.

DATE OF JUDGMENT: 13/02/2003

BENCH:
S. N. VARIAVA & B. N. AGRAWAL

JUDGMENT:

J U D G M E N T

S. N. VARIAVA, J.

Heard parties at length.

We have been taken through the evidence and other materials on record. We are in agreement with the findings that the prosecution has proved its case beyond a reasonable doubt as against the Appellant. The High Court has rightly held that the offence which is made out is under Section 304 Part II I.P.C. We therefore find no infirmity in the Judgment of the High Court.

We have also considered the submission that the Appellant should be given the benefit of Section 5 of the United Provinces Borstal Act, 1938. Considering the fact that the High Court has already taken a very lenient view and sentenced the Appellant, under Section 304 Part II, only for a period of 5 years, no case for further reduction of the sentence and/or giving benefit of the said Section arises. We therefore see no reason to interfere. Accordingly the Appeals stand dismissed. The bail bond shall stand cancelled. The Appellant should be taken into custody forthwith to serve out the remaining period of sentence.