

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1876 OF 2009
[arising out of SLP(CRL.) No. 3020 of 2009]

NATHOO LAL & ANR.

.....

APPELLANTS

VERSUS

STATE OF U.P.

.....

RESPONDENT

O R D E R

Leave granted.

The appellants were brought to trial for an offence punishable under Section 302 of the Indian Penal Code and convicted under Section 304 Part (II) IPC on 29th January 1982. This judgment had been confirmed in appeal by the High Court with the modification that the conviction has been converted into one punishable under Section 304 Part II IPC and the sentence reduced from eight to five years.

When this matter came up before this Court on 1st May, 2009 notice was issued limited to the extent of the nature of offence only.

We have heard the learned counsel on this limited

aspect. We see no reason to interfere with the finding of conviction. We find, however, that the incident had taken place on 17th October, 1980 when the appellants herein were young men. They are now stated to be more than 65 years of age. We also understand that they have undergone about 9 months of the sentence. Keeping in view the facts and circumstances of the case, we dismiss the appeal but reduce the sentence under Section 304 Part II IPC to three years rigorous imprisonment, the other parts of the sentence being retained as it is.

The appeal is dismissed with the above observations.



.....J
[HARJIT SINGH BEDI]

JUDGMENT

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

NEW DELHI
OCTOBER 05, 2009.

