

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1289 OF 2007

STATE OF PUNJAB

.....

APPELLANT

VERSUS

PAPPU @ BALWINDER SINGH & ORS.

.....

RESPONDENTS

WITH

CRIMINAL APPEAL NO. 1287 of 2007

O R D E R

We have heard the learned counsel for the parties.

On a reading of the evidence particularly, the medical evidence, we find that even on accepting prosecution story to be correct a case under Section 302 of the Indian Penal Code would not be made out and the matter would fall under Section 304 Part II of the IPC. We also see from the record that respondents have already put in six years in jail when they were acquitted by the High Court.

As a normal sentence under Section 304 Part II would be about five years, to examine this matter on merits would thus be a futile exercise.

The appeals are dismissed.

.....J
[HARJIT SINGH BEDI]

.....J

[C.K. PRASAD]

NEW DELHI
AUGUST 05, 2010.

