

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 150 OF 2006

STATE OF HARYANA		APPELLANT
VERSUS		
SHAMSHER SINGH & ORS.		RESPONDENTS

O R D E R

1. The respondents herein were prosecuted in the year 1992 for an offence punishable under Section 307/34 of the Indian Penal Code. The trial court convicted and sentenced them to seven years rigorous imprisonment. An appeal was thereafter taken to the High Court and the High Court on a reconsideration of the evidence, particularly the medical evidence, holding that a case under Section 323 IPC only was made out, partly allowed the appeal and reduced the sentence to that already undergone. The conviction of the accused for the offence under Section 307 of the IPC was, accordingly, set aside. This appeal is at the instance of the State.

2. We have heard Mr. Rao Ranjit, learned counsel for the

appellant, State of Haryana who has challenged the acquittal of the respondents for the offence under Section 307 of the IPC. We have also perused the record. The medical evidence of Dr. Gupta is to the effect that death could have been caused had the rope(the weapon of assault) been pulled in a harsh manner and with excessive force. We, however, see that the injury, a simple one, clearly rules out the use of excessive force. The offence under Section 307 of the IPC was not made out. The High Court's opinion is, therefore, correct.

The appeal, accordingly, stands dismissed.

J

[HARJIT SINGH BEDI]

J

[CHANDRAMAULI KR. PRASAD]

NEW DELHI
OCTOBER 27, 2010.