

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1875 OF 2009
[arising out of SLP(CRL.) No. 5337 of 2007]

LAKHI RAM

.....

APPELLANT

VERSUS

LEELA & ORS.

.....

RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

On their consent, we set aside the order of the Sessions Judge as also of the High Court on the question as to whether the premise that had been set on fire was an integral part of the residential complex, as it appears that the two courts below have taken a very hyper-technical view as to what constitutes such a structure. We are also inclined to give liberty to the parties herein to raise this plea once again in the trial court or at any stage, if required.

We also clarify that the trial court will not be influenced by the observations made by the Sessions Court or by the High Court or by this Court in these proceedings.

The appeal is disposed of with the above observations.

.....J
[HARJIT SINGH BEDI]

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

NEW DELHI
OCTOBER 05, 2009.



JUDGMENT

