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[JAIL PETITION]

ITEM NO.33

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl)... 2013

CRLMP.NO. 3338/2013

(From the judgment and order dated 10/05/2010 in CRA No.795/2001 (old No.21/1998) of the HIGH COURT OF UTTARAKHAND AT NAINITAL)

POORAN LAL

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

WITH CRLMP.NO. 3338/2013 (c/delay in filing SLP and office report)

Date: 01/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Deopujari, Adv.(AC)(N/P)

For Respondent(s)

UPON perusing papers the Court made the following
O R D E R

Delay condoned.

On the last three occasions, the matter has been called, but none has appeared on behalf of the petitioner. In the absence of the counsel for the petitioner, we have perused the entire paper book. It is a clear case where the commission of the murder by the petitioner was

witnessed by a number of persons. Even though, Ishwari did not support the prosecution version, PW-1 - Gulzar Singh and PW-2 Mahipal have supported the entire prosecution case. It is proved that the petitioner assaulted the deceased with an axe and the following injuries were caused on the deceased:

- "1. Incised wound 8 cm x 3 cm over left chest, 3 cm from the nipple horizontally placed x cavity deep which was caused by sharp edged weapon.
2. Incised wound 10cm x .5cm x muscle deep on right side of lower part of back of chest on sub costal region.
3. Abrasion 1cm x 1cm o back of right elbow joint."

On internal examination, the doctor found pericardium congested and punctured cut at the side of injury No.1 and 1 = liter blood was present in the cavity and semi digested food was found in the abdomen. In the opinion of the doctor, the cause of death was stated to be haemorrhage and shock as a result of ante-mortem

injuries which were likely to have been caused by axe on 12th April, 1996 at about 8.30 p.m. It was also opined that the injury Nos. 1 and 2 were sufficient for causing the death of the injured.

In view of the above, we find no merit in the special leave petition. The special leave petition is dismissed.

| (VINOD LAKHINA)
| COURT MASTER

| | (INDU BALA KAPUR)
| | COURT MASTER

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