

D.B. CRIMINAL LEAVE TO APPEAL NO.96/2009

DATE OF ORDER : 30.04.2009

HON'BLE MR. JUSTICE A.M. KAPADIA
HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. K.R. Bishnoi, Public Prosecutor.

Heard learned Public Prosecutor and perused the impugned judgment as well as the set of evidence supplied by him during the course of arguments.

The learned trial Judge has rightly acquitted both lady accused respondents for offence under Section 302 IPC as there was neither any motive nor any intention or knowledge to kill the deceased, who was 8 years of age, died on account of head injury, inflicted by the stick. However, the learned trial court has convicted them under Sections 341 & 323 IPC.

Consequently, we do not find any reason to interfere with the impugned judgment of acquittal under Section 302 IPC passed by the learned trial court, which is based on sound reasons.

Accordingly, this Leave to Appeal is rejected.

(DEO NARAYAN THANVI), J.

(A.M. KAPADIA), J.

ms rathore