



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2314 OF 2022  
[Arising out of SLP(CRL.) No. 6633 of 2022]

JANDEL SINGH

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

WITH

CRIMINAL APPEAL NO. 2315 OF 2022  
[Arising out of SLP(CRL.) No. 6634 of 2022]

O R D E R

1. Leave granted.
2. The appeals are taken up for hearing forthwith.
3. Learned counsel for the appellant(s) submits that the appellants restrict their claim for conversion of their conviction from Section 302 IPC to part I or II of Section 304 IPC.
4. Learned counsel for the respondent vehemently opposes this prayer. He submits that the appellant(s) had assaulted the deceased on his head which is a vital part and, therefore, the intention to cause death would easily be gathered from the circumstances.

5. The perusal of the FIR itself would reveal that there was a heated argument between the parties, which led to a sudden quarrel. As a result of which, the present appellant used a stick and the other one used Kharera (wooden plank of bullock-cart).

6. Taking into consideration the fact that the incident had occurred at the spur of the moment, as a result of heated arguments between the parties, we find that the appellants would be entitled to benefit of Exception-1 of Section 300 IPC and as such the conviction under Section 302 IPC would not be sustainable.

7. One of the appellants has undergone sentence for more than seven years, without remission and the other one has undergone sentence for more than eight years, without remission.

8. The appeals are, accordingly, partly allowed.

9. We, therefore, convert the conviction of the appellants under Section 302 IPC to Part I of Section 304 IPC and sentence them for the said offence to the period already undergone.

10. The appellants are, therefore, directed to be released forthwith, if they are not required to be detained in any other case.

11. Pending application(s), if any, shall stand disposed  
of.

.....J  
( B.R. GAVAI )

.....J  
( VIKRAM NATH )

New Delhi  
December 16, 2022

ITEM NO.4

COURT NO.9

SECTION II-A

**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 (CrI.) No(s). 6633/2022

(Arising out of impugned final judgment and order dated 28-12-2017 in CRLA No. 415/1999 passed by the High Court Of M.p. at Gwalior)

JANDEL SINGH

PETITIONER(S)

VERSUS

THE STATE OF MADHYA PRADESH

RESPONDENT(S)

(IA NO. 114287/2022- APPLICATION FOR BAIL, IA No. 58493/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 58494/2022 - EXEMPTION FROM FILING O.T., IA No. 114287/2022 - GRANT OF BAIL)

WITH

SLP(CrI) No. 6634/2022 (II-A)

(IA No. 126025/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 126026/2021 - EXEMPTION FROM FILING O.T., IA No. 114298/2022 - GRANT OF BAIL)

Date : 16-12-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)

Mr. Yogesh Tiwari, Adv.  
Mr. Dinesh Bhahadur Singh, Adv.  
Mr. Vikrant Singh Bais, AOR  
Mr. Raj Mohan Gupta, Adv.  
Ms. Neena, Adv.

For Respondent(s)

Mr. D.S. Parmar, AAG  
Mr. Gopal Jha, AOR  
Mr. Umesh Kumar Yadav, Adv.  
Mr. Shreyash Bhardwaj, Adv.  
Mr. Sanket, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are partly allowed in terms of the signed order.

Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
COURT MASTER (NSH)

[Signed order is placed on the file]