

2022 LiveLaw (SC) 247

IN THE SUPREME COURT OF INDIA

AJAY RASTOGI; ABHAY S. OKA, JJ.

Special Leave to Appeal (Crl.) No(s). 7830/2021; 28-02-2022

NARENDRA SINGH @ MUKESH @ BHURA VERSUS THE STATE OF RAJASTHAN

Indian Penal Code, 1860; Section 302 - Trial Court does not have the jurisdiction to sentence an accused to life imprisonment which is to extend to the remainder of their life. [Referred to Union of India Vs. V. Sriharan @ Muruganand Others 2016 (7) SCC 1]

(Arising out of impugned final judgment and order dated 04-10-2019 in DBCRA No. 55/2014 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

For Petitioner(s) A. Sirajudeen Sr. Adv. Mr. Naresh Kumar, AOR

For Respondent(s) Mr. Anish Maheshwari, Adv Mr. Yunus Malik, Adv Mr. Aman Malik, Adv Mr. Harsha Vinoy, Adv Ms. Shubhi Bhardwaj, Adv Mr. Milind Kumar, AOR

ORDER

The petitioner is convicted for the offence punishable under Section 302 of the IPC by judgment dated 19.12.2013 of the learned trial court and sentenced to life imprisonment which shall be extended to remainder of life, that came to be confirmed by the High Court on dismissal of appeal filed by the petitioner by judgment impugned dated 04.10.2019.

Learned Counsel for the petitioner has made a limited submission before this Court which has been noticed by us in our order dated 06.10.2021, referred hereunder:-

“Learned Senior Counsel appearing on behalf of the petitioner submits that while convicting the petitioner for offence punishable under Section 302 of the IPC, the Ld.Trial Judge has punished him with life imprisonment for the entire life span which according to the learned senior counsel is beyond jurisdiction of the Ld.Trial Judge and placed reliance on the judgment of this Court reported in 2016 (7) SCC 1.

Issue notice, for this limited purpose.”

After we have heard the learned Counsel for the parties and taking note of the Constitution Bench judgment of this Court reported in **2016 (7) SCC 1**, the sentence of life imprisonment which shall be extended to remainder of life passed by the learned trial court by judgment dated 19.12.2013 and confirmed by the High Court on dismissal of appeal stands modified with the sentence for imprisonment for life.

With these observations/clarifications, the Special Leave Petition stands disposed of.

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