

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1189 OF 2012

NARESH

... APPELLANT

Versus

STATE OF NCT OF DELHI

... RESPONDENT

O R D E R

1. The instant appeal arises out of the impugned judgment and order dated 22.01.2009, passed by the High Court of Delhi at New Delhi in Criminal Appeal No.276 of 2006, whereby the High Court has dismissed the appeal preferred by the appellant and confirmed the judgment and order passed by the Sessions Court, Delhi, convicting the appellant for the offence under Section 302 IPC and sentenced him to undergo life imprisonment.

2. Learned Senior Counsel Mr. Sirajudeen for the appellant submits that there was no intention on the part of the appellant to kill his wife. He further submits that after pouring kerosene oil on his wife, the appellant tried to extinguish the fire by pouring a bucket of water over her and hence, the case of the appellant would fall under Part I of Section 304 and not under Section 302 IPC. He also relied upon the dying declaration of the deceased.

3. However, Mr. Aditya Singh, learned *amicus curie* appointed by the court as per the Order dated 23.11.2023 submits that the guilt of the appellant-accused has been proved beyond reasonable doubt and the concurrent finding of facts recorded by the two courts need not be interfered by this Court.

4. Having heard learned counsel for the parties and on carefully perusing the material placed on record, we find no merit in the submission made by learned Senior Counsel for the appellant that the case of the appellant would fall under Section 304 Part-I and not under Section 302 IPC, for the simple reason that neither such a plea was taken by the appellant in his defence during the course of trial nor such a contention was raised by him at the time of recording of his statement under Section 313 Cr.P.C. In our considered opinion, setting a person on fire is an act of extreme cruelty and would fall under Section 302 IPC. Hence, we find no illegality or infirmity in the judgments and orders passed by the Sessions Court or the High Court.

5. The appeal is, accordingly, dismissed.

6. Vide order dated 02.04.2012, the sentence imposed upon the appellant was suspended keeping in view the fact that he has already undergone imprisonment for a period of nearly 12 years. Consequent upon dismissal of the appeal preferred by the appellant, he is directed to surrender before the concerned jail authorities within four weeks from today, failing which the jail authorities shall bring it to the notice of the Trial Court whereupon non-bailable warrants be issued against him.

.....J.  
(BELA M. TRIVEDI)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
JANUARY 10, 2024.

ITEM NO.111

COURT NO.15

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s).1189/2012

NARESH

Appellant(s)

VERSUS

STATE OF NCT OF DELHI

Respondent(s)

Date : 10-01-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Sirajudeen, Sr. Adv.  
Mrs. Revathy Raghavan, AOR  
Ms. Divya Singhvi, Adv.  
Ms. Arya Kumari, Adv.  
Mr. Satender Kr Vashistha, Adv.

For Respondent(s) Mr. Aditya Singh, Adv.(A.C.)  
Mr. Kamal Kishore, Adv.

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

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(MAMTA RAWAT)  
COURT MASTER (NSH)

(Signed order is placed on the file)