

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).15290/2026

[Arising out of impugned final judgment and order dated 18-08-2025 in CRA No. 9510/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

RAMPAL PARTETI

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

IA No. 228118/2026 - CONDONATION OF DELAY IN FILING

IA No. 228126/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 228125/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 228121/2026 - EXEMPTION FROM FILING O.T.

Date : 08-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Ms. Kumud Lata Das- 1222, AOR

Mr. Arvind Kumar, Adv.

Ms. Pooja Rathore, Adv.

Mr. Ashutosh Saini, Adv.

Mr. Harsh Ajay Singh, Adv.

Mr. Puneet, Adv.

For Respondent(s) :Mr. Aditya Vaibhav Singh Ga, Adv.

Mr. Harmeet Singh Ruprah- 2308, AOR

Mr. Shantanu Singh, Adv.

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

1. The petitioner before us was put to trial in the Court of Additional Sessions Judge, Sausar, District Chhindwara,

in Sessions Trial No.05 of 2022 for the offence of murder punishable under Section 302 of the Indian Penal Code (for short, 'the IPC').

2. The deceased, namely, Hemwati was the wife of the petitioner.

3. It is the case of the prosecution that on the fateful day and date of incident, the petitioner assaulted his wife and due to the injuries suffered, she ultimately succumbed and died. The injuries noted in the post-mortem report are as under:-

"Internal Examination: The internal examination of the dead body of the deceased Hemwati was conducted by me at 12:05 P.M. The body of the deceased was of normal build. There was swelling near the right eye.

- 1. There was a fracture in the skull, cranium and vertebrae (temporal bone) of the deceased.*
- 2. The membranes of the brain of the deceased were ruptured and blood had collected in it.*
- 3. Blood had collected in the brain and spinal cord of the deceased.*
- 4. The diaphragm, ribs, soft tissues, lungs, throat and trachea of the deceased were congested.*
- 5. The right lung and left lung of the deceased were congested and intact.*
- 6. The left side of the heart of the deceased was empty and blood had collected in the right side of the heart.*
- 7. The contents inside the stomach of the deceased were congested and intact.*
- 8. The membranes of the intestines in the abdomen of the deceased were congested.*
- 9. There was a clot of blood in the mouth, oesophagus and trachea of the deceased."*

4. In the course of the trial, the Trial Court examined Bhadua Dhurve (PW-1) - father of the deceased, Hemlal Dhurve (PW-2) - brother of the deceased, Kiran (PW-3) - daughter of the deceased, Jyoti Parteti (PW-4) - aunt of the accused, Phoolkumari (PW-7) - sister of the deceased and Dr. Ashok Bhagat (PW.11) - Medical Officer who conducted the post-mortem.

5. The incident in question occurred on 28.12.2021. The deceased succumbed to the injuries on 30.12.2021. It appears that on 29.12.2021, i.e., next day after the alleged assault, the PW-1 - father and PW-7 - sister of the deceased visited the deceased at her matrimonial home. At that point of time, the deceased is said to have made an oral dying declaration that she was mercilessly assaulted by her husband, i.e., the petitioner before us on some petty domestic issues.

6. On 30.12.2021, the family members again visited the deceased as her condition worsened. They visited the deceased on 30.12.2021 at the instance of the call made by the petitioner-accused. Ultimately, she died. She breathed her last on 30.12.2021.

7. The FIR was registered on 02.01.2022 by the father of the deceased, i.e., PW-1, however, on 31.12.2021, case was registered by the Police and an inquiry was initiated under Section 174 of the Cr.P.C. for unnatural death.

8. At the end of the investigation, the Investigating Officer filed charge-sheet against the petitioner for the

offence of murder.

9. The Trial Court held the petitioner guilty of the alleged offence of murder and sentenced him to undergo life imprisonment with fine.

10. The petitioner went in appeal before the High Court. The High Court, by a very cryptic and in a very casual manner discussed the evidence of PW-1, PW-2, PW-3, PW-4, PW-11 and ignored the most important evidence of PW-7 - sister of the deceased.

11. Shockingly, the High Court thought fit to partly allow the appeal by altering the conviction from Section 302 to Section 304 Part II of the IPC. In the opinion of the High Court, the case would fall within Exception 4 to Section 300 of the IPC.

12. Assuming for the moment that the High Court was of the view that the case would fall within Exception 4 to Section 300, we fail to understand how the conviction could have been under Section 304 Part II of the IPC. The conviction at the most could have been under Section 304 Part I of the IPC.

13. In any view of the matter, we are of the opinion that there was no question for the High Court to bring the case within Exception 4 to Section 300 of the IPC.

14. We are inclined to interfere with this part of the High Court Judgment and call upon the accused to show cause as to why the conviction imposed by the Trial Court for the offence of murder should not be restored.

15. Issue notice to the accused, returnable on 18.11.2026.

16. Dasti service, in addition, is permitted.

17. The State shall ensure that the notice is served to the petitioner-accused through the Superintendent of Jail, District Jail, Chhindwara, Madhya Pradesh.

18. The Registry shall see to it that the order passed by us today is translated in Hindi and a translated order be also forwarded to the Superintendent of Jail, District Jail, Chhindwara, Madhya Pradesh so that the petitioner-accused may come to know about the order passed by this Court.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)