IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). /2026
@SLP (Crl.) No(s). 19631/2026

RAJU KUMAR SINGH **Appellant (s)**

VERSUS

THE STATE (NCT OF DELHI) **Respondent(s)**

O R D E R

1. Leave granted.

2. Heard learned counsel for the parties.

3. This appeal impugns the order of the High Court of Delhi at New Delhi, dated 29.09.2026, whereby the appellant's application for suspending his conviction under Section 304 Part II of the Indian Penal Code, 1860 (for short 'IPC') and Section 30 of the Arms Act, 1959 has been rejected.

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Date: 2026.11.17 16:47:59 IST
Reason:

4. *Prima facie,* a celebratory fire while a dance party was going on resulted in death

of a lady. The prosecution evidence, *prima facie*, indicated that two persons including the appellant had indulged in making celebratory shots in the air. One had a .315 bore rifle whereas the appellant had a .22 bore licensed pistol. The deceased, who was on the dance floor, suffered pellet injuries on her head resulting in skull fracture, brain damage and consequent death.

5. Though nobody witnessed the appellant firing shot at the deceased, the Trial Court convicted the appellant under Section 304 Part II of IPC by taking into consideration various circumstances and accordingly sentenced him to 4 years R.I. The appellant was also convicted under Section 30 of the Arms Act for violating terms of arms license and sentenced to two months thereunder.

6. The sentence part has been stayed by the High Court, and the appellant is on bail pending consideration of his appeal by the High Court. However, being a sitting Member of Legislative Assembly, the appellant also

applied for stay of his conviction to avoid automatic disqualification under Section 8(3) of the Representation of the People Act, 1951 (for short, R.P. Act). This application came to be rejected by the impugned order.

7. The argument on behalf of the appellant is two-fold. First, the nature of the evidence on record does not make out a case of culpable homicide not amounting to murder punishable under Section 304 Part II. Second, if the prayer for suspension of conviction is not accepted, the consequences shall be draconian resulting in loss of membership in the Legislative Assembly. In such an event, even if the appeal is ultimately allowed, the loss would be irreparable.

8. On the merits of his conviction under Section 304 Part II of IPC, the submission on behalf of the appellant is that the evidence does not at all indicate that the fire made by the appellant was either aimed

at the victim or was so reckless that a person in the vicinity was likely to be hit by the fire. It is submitted that the bullet fragments recovered during autopsy indicate that the bullet had ricochet from some hard surface and then entered the skull of the victim. It is submitted that an offence punishable under Section 304 Part II of IPC would have to satisfy the following ingredients i.e. that the act was done with knowledge that it is likely to cause death, but without intention to cause death, or done to cause such bodily injury as is likely to cause death. In the present case, it is submitted, the said ingredients are not satisfied inasmuch as if the bullet ricochets from some hard substance and then strikes a person, the act is neither done with knowledge that it is likely to cause death nor there is intention to cause such bodily injury as is likely to cause death. Hence, conviction under Section 304 Part II of IPC is, *prima facie*, not sustainable.

Besides, the evidence on record is sketchy and the conviction is based more on inference from the circumstances narrated by the witnesses than any clinching evidence against the appellant. According to the learned counsel for the appellant, on the given set of facts, the appellant cannot be convicted for an offence graver than one punishable under Section 304-A of IPC.

9. The learned Solicitor General, who appeared for the State, submits that the arguments advanced on behalf of the appellant would have to be considered and tested by the High Court against the weight of evidence while deciding the appeal; therefore, at this stage, no assessment on merits be made. He, however, does not dispute the fact that the appellant is a sitting Member of Legislative Assembly and if his conviction under Section 304 Part II of IPC is not suspended pending consideration of his appeal by the High Court, he would incur disqualification.

10. We have accorded due consideration to the submissions made before us and have perused the impugned order as well as the conviction order passed by the Trial Court.

11. *Prima facie,* there appears no evidence to indicate that the gun shot which hit the victim was fired directly at the victim by the appellant from the weapon held by him. Further, it appears, only fragments or particles of bullet were recovered at the time of autopsy which is suggestive of the fact that the shot did not directly strike the victim; rather, *prima facie,* the bullet / fragments of the bullet hit the victim after ricocheting from some hard surface. In such circumstances, whether conviction of the appellant under Section 304 Part II of IPC is sustainable or not, is a debatable issue which would have to be thrashed out by the appellate court while deciding the appeal.

12. Besides, disqualification under Section 8(3) of the R.P. Act occurs when a person is

convicted of any offence, other than one specified in sub-section (1) or sub-section (2) of Section 8, and sentenced to imprisonment for not less than two years. Neither the offence punishable under Section 304 Part II of IPC nor the offence punishable under Section 30 of the Arms Act fall in any of the categories of offences specified in sub-section (1) or sub-section (2) of Section 8 of the R.P. Act and, most importantly, there is no minimum sentence prescribed for an offence punishable under Section 304 Part II.

13. In such circumstances, having regard to the facts of the present case, we are of the view that a case has been made out for staying the conviction of the appellant under Section 304 Part II of IPC pending consideration of his appeal by the High Court.

14. Consequently, this appeal is partly allowed. The conviction of the appellant for the offence punishable under Section 304

Part II of IPC shall remain suspended /stayed pending consideration of his appeal by the High Court.

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

……..J
[MANOJ MISRA]

……..J
[VIJAY BISHNOI]

New Delhi;
November 16, 2026

ITEM NO.9 COURT NO.9 SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). /2026
@SLP (Crl.) No(s). 19631/2026

[Arising out of impugned final judgment and order dated 29-09-2026 in CRLMA No. 21082/2026 passed by the High Court of Delhi at New Delhi]

RAJU KUMAR SINGH **Petitioner(s)**

VERSUS

THE STATE (NCT OF DELHI) **Respondent(s)**

FOR ADMISSION and I.R.
IA No. 315159/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 315160/2026 - EXEMPTION FROM FILING O.T.

Date : 16-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Samir Malik- 2534, AOR
Mr. R. Vasant, Sr. Adv.
Mr. Aditya Dewan, Adv.
Mr. Swetank Kumar, Adv.
Ms. Ramneet Kaur, Adv.

For Respondent(s) : Mr. Tushar Mehta, S.G.
Mr. Anil Kaushik, ASG
Mr. Pranjal Singh, Adv.
Mr. Kartikay Asthana, Adv.
Mr. Rajat Rana, Adv.
Ms. Astha Singh, Adv.

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

1. Leave granted.

2. This appeal is partly allowed in terms of the signed order placed on the file.

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

(CHETAN ARORA) **(SAPNA BANSAL)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**