

**2023 Scej 0238 = PLRonline 449602**

**SUPREME COURT OF INDIA**

Before:- B.R. Gavai and J.B. Pardiwala, JJ.

Nirmala Devi – Appellants

Versus

State of Himachal Pradesh – Respondents

Criminal Appeal No... of 2023[Arising out of SLP (Crl.) No. 9777 of 2022].

01.08.2023.

**Indian Penal Code, 1860, Sections 302 and 201 - Murder - The appellant used a stick as a weapon, which was lying in house, and which, by no means, can be called deadly weapon - The persistent quarrels between the deceased and the appellant, along with the previous incident where the deceased fractured the appellant's leg, must be taken into consideration - Conviction under Section 302 IPC needs to be altered into Part-I of Section 304 IPC, as the appellant is entitled to the benefit of doubt - The offence committed falls under Exception I of Section 300 IPC, and the possibility of the appellant causing the death of the deceased while being deprived of the power of self-control cannot be ruled out due to the provocation on account of the deceased not agreeing to pay Rs.500/- to her daughter.**

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