

(1975) 08 SC CK 0067

Supreme Court of India

Case No: Criminal Appeal No. 289 Of 1971

Jagat Singh

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision: Aug. 6, 1975

Acts Referred:

- Penal Code, 1860 (IPC) - Section 304

Citation: (1976) 4 SCC 296 : (1976) SCC(Cri) 618

Hon'ble Judges: Y. V. Chandrachud, J; R. S. Sarkaria, J; P. N. Bhagwati, J

Bench: Full Bench

Final Decision: Dismissed

Judgement

Y.V.CHANDRACHUD, J.-Having heard Mr. Jain for the appellant,, we see no reason whatsoever for interfering with the well-considered judgment of the Delhi High court.

2. The deceased Gurdas was unarmed and there was no justification on the part of the -appellant for inflicting a severe blow on his head with a takwa. The injuries received by the members of the appellant's party were far too trivial to justify the killing of Gurdas. In fact the appellant himself had received no injury at all. Even assuming, therefore, that the appellant had a right of private defence of person or property, he clearly exceeded that right. The High court was as lenient as a court would be in reducing the offence from S. 302 to S. 304 Part I, Penal Code, and the sentence of life imprisonment to a period of three years.

3. The order of conviction and sentence is accordingly confirmed and the appeal dismissed.