

Jagat Singh Vs State of Himachal Pradesh

Court: Supreme Court of India

Date of Decision: Aug. 6, 1975

Acts Referred: Penal Code, 1860 (IPC) â€” 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.