

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 978 OF 2011

Ram Lal

Appellant(s)

VERSUS

State of Chhatisgarh

Respondent(s)

O R D E R

The appellant herein was charged for commission of murder of one Lal Sai, under Section 302 of the I.P.C. and was convicted by the trial Court for the said offence. He was sentenced to undergo imprisonment for life and to pay fine of Rs.1000/- and in default of payment of fine, further undergo six months Rigorous Imprisonment.

As per the prosecution, on 21.7.1997 at about 7.25 a.m. Ganga Singh (PW.5) gave the intimation to the Police Station Chirmiry, to the effect that when on 20.7.1997 at about 2.30 to 3.00 p.m. Lal Sai was going on Amadad street, the appellant -Ramlal Panika on account of the land dispute attacked the complainant's father-in-law with an axe and committed his murder. The prosecution, in support of the aforesaid charge, examined nine witnesses. The appellant was arrested and he made disclosure statement pursuant

thereto the weapon of the offence, namely, the said axe was also recovered. The traced blood stains soil and plain soil were removed and sent for chemical examination. Body of the deceased was also sent for post-mortem examination which was conducted by one Mr. A.K.Agrawal PW.4 (post-mortem report is Ext. P/2) who too opined that death was caused due to injuries to the brain and death was homicidal in nature.

After analysing the evidence on record, the trial Court held that charge against the appellant stood established beyond the reasonable doubt. The High Court, after appreciating the evidence, as affirmed the findings.

In the High Court the learned counsel for the appellant had argued that the fight took place all of a sudden without any intention and therefore the charge under Section 302 of the IPC was not made out and it should not go beyond Section 304 Part II of the IPC. This contention has been rejected by the High Court on the ground that the appellant had assaulted the deceased with deadly weapon and that too on vital organ of the body and therefore intention of the accused was to commit the murder of the deceased.

We find that while making these observations the High Court has not discussed the nature of injuries. It has also not discussed in detail the plea of the appellant that the quarrel took place between two all of a sudden and there was no pre-determined intention on the part of the appellant to commit the murder of the deceased.

After perusing the record we find that the aforesaid

contention of the appellant has some force. Considering the manner in which scuffle took place between two of them while working in the field, we are of the view that the appellant did not have intention to kill the deceased. No doubt, one injury is on a vital part but from that only, intention to commit the murder cannot be established.

Having regard to the aforesaid we convert the conviction with one under Section 304 Part I, IPC and impose the sentence of 10 years rigorous imprisonment. It appears that the appellant has already undergone 10 years. If that is correct, the appellant shall be released forthwith, in case he is not required in any other case. However, if the appellant has not completed ten years of incarceration, he shall be released after completing the aforesaid sentence.

The appeal is disposed of accordingly.

.....J.
(A.K.SIKRI)

.....J.
(UDAY UMESH LALIT)

New Delhi;
Date: 28.5.2015.

ITEM NO.107

COURT NO.2

SECTION IIA

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

Criminal Appeal No(s). 978/2011

RAMLAL

Appellant(s)

VERSUS

STATE OF CHHATTISGARH

Respondent(s)

Date : 28/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE UDAY UMESH LALIT
(Vacation Bench)

For Appellant(s)

Ms. B. Sunita Rao(A.C.) ,Adv.

For Respondent(s)

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

The appeal is disposed of in terms of the signed order.

(SUMAN WADHWA)
AR-cum-PS(SUMAN JAIN)
COURT MASTER

Signed order is placed on the file.