

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 471 OF 2012

PRITAM SINGH @ KALU

Appellant (s)

VERSUS

STATE OF PUNJAB

Respondent(s)

O R D E R

Heard Mrs. V. Mohana, learned Amicus Curiae appearing for the appellant and Mr. Kuldip Singh, learned counsel for the respondent-State.

Both the courts below have convicted the appellant under Section 302 of Indian Penal Code (for short "IPC") and awarded the life imprisonment. We have examined the judgments of the trial court as well as of the High Court and had been taken through the entire evidence of record.

Admittedly, the appellant was discharged from the Army because sometimes he was misbehaving by losing control on himself and it regularly happened on an average twice a week. Keeping this fact in mind, it is possible that after seeing the pit in his field and damage to the crops and hearing abuses herld by the deceased the appellant might have lost control over himself and cause injuries with 'Kulhari' (Axe) to the deceased. It is a nobody's case that 'kulhari' had been brought by the appellant from some other place after losing his temper rather it was already there.

In such a fact situation, we are of the considered opinion that the conviction of the appellant be converted from 302 IPC to 304 Part-I IPC and sentence be reduced to ten years and it is ordered accordingly. The impugned judgment and orders of the courts below are accordingly modified to that extent.

With these observations, the appeal stand disposed of.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(S.A. BOBDE)

NEW DELHI
NOVEMBER 26, 2013.

RECORD OF PROCEEDINGS
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STATE OF PUNJAB

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(With appln(s) for exemption from filing O.T.)

Date: 26/11/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Ms. V. Mohna, Adv. (A.C.)

For Respondent(s) Mr. Kuldip Singh, Adv.

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

The appeal stands disposed of, in terms of the signed order.

Learned counsel for the appellant is entitled for full fees, as per rules.

(O.P. Sharma)

Court Master

(M.S. Negi)

Court Master

(Signed order is placed on the file)