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R.P(Crl.)No. 1055-1056 OF 2000  
ITEM NO. 301

COURT NO.8

SECTION II  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Review Petition(Crl.)Nos.1055-1056/2000 in SLP(Crl.)Nos.1063-1064/2000

RAM KISHAN & ANR.

Petitioner (s)

VERSUS

STATE OF HARYANA  
( With Appln(s). for stay )  
( For Final Disposal )

Respondent (s)

Date : 10/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. R.N. Kush, Adv. for  
Mr. S.K. Sabharwal, Adv.

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

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

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The review petition are allowed.

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Sarita (V.P. Tyagi) @@  
AA  
Court Master@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

REVIEW PETITION (CRL.) NOS. 1055-1056/2000@@  
CC

IN

RAM KISHAN & ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

O R D E R@@  
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Heard learned counsel for the parties.

The only question raised in this review petition is, whether the present case falls under the category of "rarest of rare" case so that the convicted accused be hanged by the gallow. This Court has held that sentence of death should be passed in "rarest of rare" cases. Learned counsel appearing for the State referred to some of the cases in which death sentence was confirmed by this Court. The reference is made to the case of Surja Ram -Vs.- State of Rajasthan (1996) 6 SCC 271 and@@ CCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCC Govindaswami -Vs.- State of Tamil Nadu (1998) 4 SCC 531. We have@@ CCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCC examined these two cases. In these cases the entire family members had been killed. The striking feature which distinguishes the present case from the aforesaid two cases is that in the cited cases for several months there was no dispute, conflict or tension which could be said to be the reason for the

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gruesome murder committed. There was no such reason which could be said to have incited the accused or which could be said to be the reason for committing the murder out of fit of anger.

In the present case, we find such fact emerging. In our case prosecution story is, there was a dispute between the two brothers, namely, Risal Singh and Chhaju Ram having adjoining fields. Risal Singh owned about seven and a half acres of land. He was living with his sons. They had constructed their 'Dhani' (farm house) in the field. They had also installed a tube-well about one and a half years prior to the date of occurrence. The sons of Chhaju Ram had started installing a tube-well in their field. They had chosen a site which was close to the tube-well of the complainant. They were asked by the complainant to shift the site. Having failed to persuade, they had approached the Civil Court at Hissar and got a stay order on the 1st March, 1995. In spite of this, they continued to dig the well. Thereafter, on the 2nd March, 1995 a complaint was lodged against Pradeep and Dalbir, sons of Chajju Ram, with the police. Criminal proceedings were initiated against them and they were arrested by the police. This infuriated the accused which led to the murder which occurred on the same day in the night, i.e., on the 2nd March, 1995 at about 10.30 p.m. In other words, blood was boiling between the families of two brothers.

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Looking to these facts, it is clear that a rage between the parties accelerated during these days. The arrest of the said two persons by the police on the same day led to the murder. This distinguishes this case from the above two cited cases. Accordingly, we feel, on the facts and circumstances of this case, it is appropriate to commute the sentence of death to that of life sentence based on the conviction already confirmed by this Court earlier. Accordingly, the review petition is allowed to the extent indicated above. The Registry to communicate this order to the authorities concerned within one week.

In view of commuting death sentence, it becomes relevant, which was not adverted to by the High Court that the sentence under the Arms Act shall run concurrently with that under Section 302 I.P.C.

The review petition is allowed.

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.....J.  
(A.P. MISRA)

New Delhi,  
August 10, 2001.

.....J.  
(DORAISWAMY RAJU)