

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 795 OF 2009

MUKHTIYAR SINGH

...APPELLANT(S)

VERSUS

THE STATE OF PUNJAB

...RESPONDENT(S)

O R D E R

1. The case of the prosecution is that Sukhjit Kaur wife of appellant/accused Mukhtiar Singh went to throw manure heap on the land of the deceased Mohinder Singh. At this deceased Mohinder Singh started abusing Sukhjit Kaur complaining that he had possession of the said particular area and why manure was being thrown there. In the meantime, appellant Mukhtiar Singh and his brothers viz. Major Singh and Sukhdev Singh came there and attacked the deceased with sories. Mohinder Singh succumbed to injuries.

2. Based on the evidence of eye witness Karam Singh and recovery of sories from the accused and other evidence adduced by the prosecution, the trial Court convicted the appellant under Section 304(II) IPC and sentenced him to undergo rigorous imprisonment for five years. The Trial Court held that the deceased Mohinder Singh was unarmed and the appellant had

exceeded his right of private defence. So far as other co-accused viz. Major Singh and Sukhdev Singh are concerned, the trial Court gave them benefit of doubt and acquitted them. The High Court in appeal confirmed the conviction of the appellant under Section 304 (II), IPC and maintained the sentence of imprisonment.

3. We have heard learned counsel for the appellant as well as learned counsel appearing for the state.

4. On behalf of the appellant, even though, various contentions have been raised, learned counsel for the appellant mainly confined his submissions only to the quantum of sentence. Learned counsel further submitted that the occurrence was of the year 1991 and that in fit of anger, the appellant reacted to the verbal abuse of the deceased towards his wife Sukhjit Kaur. Learned counsel further submitted that the appellant is aged about more than 55 years and has a family to support and the learned counsel prayed for leniency.

5. Having regard to the submissions and considering the fact that the occurrence was of the year 1991, the period of sentence of five years imposed on the appellant is reduced to three years.

6. The reduction of sentence is in the peculiar facts and circumstances of the present case and the same may not be treated as precedent.

7. The appellant shall surrender within a period of four weeks from today to serve out the remaining sentence, failing which, he shall be taken into custody.

8. The appeal is partly allowed.

.....J.
[R. BANUMATHI]

.....J.
[VINEET SARAN]

NEW DELHI
16TH AUGUST, 2018

ITEM NO.103

COURT NO.12

SECTION II-B

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 SCriminal Appeal No(s). 795/2009

MUKHTIYAR SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

Date : 16-08-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE VINEET SARANFor Appellant(s) Mr. Harikesh Singh, Adv.
Mr. Raj Kiran Talwar, Adv.
Mr. Yash Pal Dhingra, AORFor Respondent(s) Ms. Uttara Babbar, AOR
Ms. Bhavana Duhoon, Dav.
Mr. Udayan Verma, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is partly allowed in terms of the signed
order.Pending application(s), if any, shall also stand disposed
of.(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER