

Shuidagouda Ningappa Ghandavar vs State Of Karnataka on 11 November, 1980

Equivalent citations: 1981 AIR 764, 1981 SCR (1)1269, AIR 1981 SUPREME COURT 764, 1981 (1) SCC 164, 1981 MADLW 35, 1981 CRIAPPR(SC) 2, 1981 SCC(CRI) 163, 1981 CHANDCRIC 33 (SC), 1981 MADLW (CRI) 35, (1980) 2 FAC 338, 1981 RAJLR 1

Author: Y.V. Chandrachud

Bench: Y.V. Chandrachud, A.C. Gupta

PETITIONER:

SHUIDAGOUDA NINGAPPA GHANDAVAR

Vs.

RESPONDENT:

STATE OF KARNATAKA

DATE OF JUDGMENT 11/11/1980

BENCH:

CHANDRACHUD, Y.V. ((CJ)

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CHANDRACHUD, Y.V. ((CJ)

GUPTA, A.C.

CITATION:

1981 AIR 764

1981 SCR (1)1269

1981 SCC (1) 164

ACT:

Indian Penal Code 1860 (45 of 1860) S. 302 & Criminal Procedure Code 1973 (2 of 1973) S. 354(3) Murder-Normal sentence-Life Imprisonment-Death Sentence-In extreme cases

HEADNOTE:

The prosecution alleged that the appellant committed the murder of a young boy. Both the Sessions Court and the High Court imposed death sentence upon the appellant and gave "special reasons" for doing so.

Dismissing the appeal, this Court on the question of sentence.

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HELD: 1. The death sentence imposed upon the appellant

is set aside. The ends of justice will be met by sentencing the appellant to suffer imprisonment for life. [1270 D]

In the instant case though the murder of the young boy by the appellant has to be deprecated strongly, the murder was the result of a land dispute between the deceased's father and certain other persons. The appellant is not a habitual criminal. The circumstances which led to the crime are not likely to recur. The crime had not been committed for any personal gain. This is therefore not a proper case for imposing the death sentence. [1270 C]

2. Since, the appellant had committed a very serious crime, the Government will not, save for weighty reasons, reduce or commute the sentence to less than fourteen years. [1270 E]

3 The rule that the normal sentence for the offence of murder is life imprisonment should be observed both in letter and spirit. The death sentence should be imposed in very extreme and rare cases [1270 B]

Bachan Singh v State of Punjab, A.I.R. 1980 S.C. 898; referred to

JUDGMENT:

CRIMINAL APPELLATE JURISDICTION.: Criminal Appeal No. 743 of 1980.

(Appeal by special leave from the Judgment and order dated 27-3-1979 of the High Court of Karnataka in Criminal Appeal No. 45 of 1978.) S.K. Bisaria and Amicus Curiae for the Appellant. N. Nettar for the Respondent.

The order of the Court was delivered by CHANDRACHUD, C. J.-Heard counsel. Special leave granted.

It is true that both the Sessions Court and the High Court have given "special reasons" for imposing death sentence upon the appellant. We have carefully considered every one of the special reasons but we are unable to agree that this is a proper case for imposing the death sentence. We have held recently in Bachan Singh v. State of Punjab that the rule that the normal sentence for the offence of murder is life imprisonment should be observed both in letter and in spirit. We had therefore to emphasise in that case that the death sentence should be imposed in very extreme cases.

The appellant committed the murder of a young boy which has to be deprecated as strongly as one may but it appears that there was a land dispute between the deceased's father and certain other persons, which led to the murder of the unfortunate young boy. The appellant is not a habitual criminal, the circumstances which led to the crime are not likely to recur and the appellant has not committed the crime for any personal gain. On the whole we are of the opinion that the ends of justice will be met by sentencing

1) the appellant to suffer imprisonment for life.

We do hope that even if the validity of section 433 A of the Criminal Procedure Code Is upheld by this Court, the Government will not, save for weighty reasons, reduce or commute the sentence of the appellant to less than fourteen years, since unquestionably, he has committed] a very serious crime.

Accordingly, we set aside the death sentence imposed upon the appellant and instead, impose the sentence of life imprisonment on him With this modification the appeal is dismissed.

N.V.K. Appeal dismissed .