

Kannan And Anr. vs State Of Tamil Nadu on 24 March, 1982

Equivalent citations: AIR1982SC1192, 1982CRILJ1570, 1982(1)SCALE402, (1982)2SCC350, 1982(14)UJ425(SC), AIR 1982 SUPREME COURT 1192, 1982 (2) SCC 350, 1982 CRIAPPR(SC) 135, 1982 SCC(CRI) 430, (1983) 1 MAD LJ 19.1, 1982 UJ (SC) 425, 1982 UJ (SC) 475, (1982) CHANDCRIC 77, (1982) MAHLR 167, (1982) IJR 166 (SC), 1982 CRI APP R (SC) 157, 1982 CRILR(SC MAH GUJ) 275, 1982 SC CRI R 177, 1982 CRILR(SC MAH GUJ) 258, 1982 2 SCJ 200, 1982 (2) SCC 351, (1982) SC CR R 279, (1982) 1 SCJ 307, (1982) 2 SCJ 1570, (1982) MAD LJ(CRI) 396, (1982) 2 BOM CR 471

Bench: O. Chinnappa Reddy, R.B. Misra

JUDGMENT

1. Criminal Appeal No. 694 of 1979 is by Kannan and Special Leave Petition No. 1839 of 1981 is by Lakshmanan, the 7th and 6th accused respectively in a case tried by the Learned IV Additional Session Judge, Madras Division. They alongwith others were convicted by the Learned Session Judge on various counts of conspiracy, murder, robbery, abduction etc and sentenced to death. Having gone through the record, we find that the evidence fully justified the convictions. The only question which requires consideration is that of sentence. The murders were committed for gain and pursuant to plans hatched by some of the fellow accused. The one redeeming feature, so far as these two accused are concerned is that, notwithstanding the fact that they were directly responsible for the murder of one of the victims, they were not the moving spirits of the band of criminals but were really 'junior partners,' if one may use such an expression, in the perpetration of the crimes. Their appearance on the scene was itself at a late stage and from the evidence it would appear that they were instruments in the hands of and under the domination of their fellow accused. In addition, there is also the circumstance that more than seven years have elapsed since the imposition of the death penalty on them. Taking into account, all the circumstances, we think that the sentence of imprisonment for life should be substituted for the sentence of death in the case of the two accused Kannan and Lakshmanan. Criminal Appeal No. 694 of 1979 filed by Kannan is allowed to this extent. Special Leave Petition No. 1839 of 1981 is allowed and the appeal of Lakshmanan is also allowed to the extent indicated.