

Mangal Singh vs State Of U.P. on 16 July, 1974

Equivalent citations: AIR1975SC76, 1975CRILJ36, (1975)3SCC290, 1974(6)UJ465(SC), AIR 1975 SUPREME COURT 76, 1975 3 SCC 290 1974 SCC(CRI) 898, 1974 SCC(CRI) 898

Bench: H.R. Khanna, Y.V. Chandrachud

JUDGMENT

Khanna, J.

1. Mangal Singh (50) was convicted by learned Additional Sessions Judge Aligarh under Section 302 Indian Penal Code for causing the death of Longehri (35) and was sentenced to death. On appeal and reference the Allahabad High Court affirmed the conviction and sentence. Mangal Singh then came up in appeal to this Court by special leave. The leave was, however, restricted to the question of sentence only.

2. The prosecution case is that Mangal Singh is the son of Tota Ram. Mangal Singh's mother, Anchho, after the death of her husband Tota Ram, married one Chhiddu. Mewa Ram was born to Anchho from Chhiddu. Longehri deceased was the wife of Mewa Ram. Mangal Singh became a sadhu sometime ago. About six months before the present occurrence, Mangal Singh started living with Mewa Ram and Longehri in their house in village Keshopur. During this period there took place quarrells between the accused and the deceased. The deceased did not cook any meals for the accused and about four or five days before the present occurrence she was given beating by the accused.

3. On March 26, 1971 at about 1 p.m. Nannu Singh (P.W. 10), an old man of 76, went towards the house of Mewa Ram and saw Mangal Singh accused inflicting Gandasa blows on Longehri. Nannu Singh then raised alarm. Mangal Singh, on seeing Nannu Singh ran away. Girwar Singh (PW 9) and Smt. Dropa (PW 12), an elder sister of the deceased Longehri, saw Mangal Singh emerging out of the house with a blood-stained Gandasa in his hand. Mangal Singh then ran away but he was given a chase by Girwar Singh and other villagers who too were attracted on account of the alarm raised by Girwar Singh. Mangal Singh was then caught with the aid of two persons, Satya Prakash (PW 14) and Kishan Lal who were coming on their bicycles from the opposite direction. Mangal Singh along with the Gandasa was then taken to police station Husain, at a distance of six miles from the place of occurrence and a report was lodged there by Girwar Singh.

4. Longehri died at the spot. Post mortem examination on her body was performed by Dr. Lalit Mohan on March 27, 1971. As many as seven incised wounds were found on the face and neck of the deceased. The injuries were sufficient in the ordinary course of nature to cause death.

5. At the trial the plea of Mangal Singh was denial simpliciter.

6. The trial court as well as the High Court accepted the prosecution case against the accused. He was accordingly convicted for the murder of Longehri. The only question with which we are now concerned is, as already mentioned, that of sentence. So far as this aspect is concerned, we find that Longehri alone was present in the house along with the accused at the time of the occurrence. The appellant thus seems to have taken advantage of the absence of Longheri's husband from the house. As many as seven injuries were caused by the appellant on the face and neck of the deceased with Gandasa. The number of injuries shows the brutal nature of the assault. We have not been referred to any extenuating circumstance as may justify the awarding of the lesser penalty.

7. In the result we see no ground to interfere with the sentence awarded to the appellant. The appeal fails and is dismissed.