

Ravinder Kumar @Raju vs State Of Punjab on 25 March, 2025

Author: Sudhanshu Dhulia

Bench: Sudhanshu Dhulia

2025 INSC 396

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@Special Leave Petition (Crl.) No.5690 of 2020)

RAVINDER KUMAR @RAJU ...Appellant (s)

VERSUS

STATE OF PUNJAB ...Respondent(s)

JUDGMENT

K. VINOD CHANDRAN, J.

Leave granted.

2. Road rage results in disastrous consequences to both the perpetrator and the target; as the present case demonstrates, which resulted in the murder of one of the assailants and the arraignment of three who were targeted, as accused for the murder. The appellant is the sole accused, out of the three, convicted for the Date: 2025.03.25 18:28:11 IST Reason:

offence under Section 302 of the India Penal Code, 1860 and sentenced to undergo imprisonment for life and to pay fine of 2000/- (Rupees Two Thousand only) with default clause of rigorous imprisonment for two months, if fine is not paid. The other two accused were acquitted.

3. Of the two acquitted; one was acquitted by the Trial Court and one by the Appellate Court. The State had challenged the acquittal by the Trial Court by way of an appeal which also stood rejected by the impugned judgment. As of now, we are only concerned with the appellant-herein who was convicted and sentenced for the offence of murder under Section 302 of the I.P.C. At the admission stage, this Court had issued a notice limited to the "I.P.C." nature of the offence; whether it falls

under Section 302 or Section 304 of the I.P.C. We are, hence, confining ourselves to this aspect and the sentencing, if a lesser offence is made out.

4. On facts, it is to be noticed that the deceased was riding a motorcycle in which his father was travelling pillion. Alongside the brother of the deceased was also riding a bike; the three proceeding to a common destination. At a crossing, they saw a three wheeler colliding with a scooter and the rider of the scooter falling down. The offending vehicle sped away while the father and sons approached the fallen scooterist, who told them that he had escaped without any injuries. At that moment, another scooterist also joined them, who was the colleague of the person involved in the accident; both being Lecturers in a nearby college. The scooterist wanted to pursue the offending vehicle and requested the father and sons to join them. Together, the five went after the vehicle and detected it at the crime scene. The scooterist and the father accosted the identified accused and questioned them on their conduct. It was the prosecution's case that while an altercation was going on, the appellant-herein picked up an iron rod from his vehicle and hit the deceased on the head. After this the three accused, who were in the three-wheeler, sped away and the injured was taken to the hospital.

5. A DDR was registered immediately on the information supplied by the father but no First Information Report² was registered. An F.I.R. was registered only after five days when the victim succumbed to the injury. The post- "F.I.R." mortem report clearly indicates a homicidal death occasioned by the single injury inflicted on the head. The iron rod was recovered on the confessional statement of the appellant under Section 27 of the Indian Evidence Act, 1872. We are not looking at the nitty-gritty of the evidence, since the limited adjudication possible is as to the nature of the crime; whether it can be classified as a culpable homicide not amounting to murder under Section 304 of the I.P.C.

6. There is no motive alleged on the accused nor can there be found any pre- meditation of the accused. True, the accused were travelling in a vehicle which hit the scooterist and sped away. It was the scooterist accompanied by four others, one of whom was the deceased, who chased the offending vehicle. The offending vehicle and its occupants having been identified, it was the five who confronted them and accused them of having dashed down the scooter and not having even the courtesy to help the fallen scooterist. Pausing here, we have to clearly notice that the father of the deceased and the scooterist who had been hit, both spoke of the number of the offending vehicle having been taken by them. Despite this, they did not think it fit to approach the police and took law into their own hands, while pursuing the offending vehicle which was involved in a hit and run and confronting its occupants.

7. Definitely, it was in the course of such altercation that the blow was inflicted on the head of the accused resulting in an injury which caused his death. As we observed, there is no pre-meditation and it was the deceased and the persons along with him who chased and confronted the accused. It was a group of five persons who confronted the three occupants of the vehicle involved in the hit and run. The altercation was spoken of, but the witnesses of the prosecution only spoke of heated arguments. It was in the course of such altercation that the 1st accused who is the appellant-herein picked up an iron rod and hit the deceased. There cannot be any intention to cause death alleged but

there is definitely an intention to cause bodily injury which resulted in the death. We say this, since the assailants, including the deceased, were not armed and in the midst of a wordy altercation, the accused took out an iron rod and hit one of the assailants on the head; a vital part of the body. Hence, culpability under Section 299 of the I.P.C. though attracted, it does not result in a finding under Section 300 since it falls under Exception 1. The one blow inflicted on the head of the deceased resulted in his death, that too after five days, which overt act was without any pre-meditation and was occasioned in an altercation where the group comprising the deceased were the aggressors and the offender- appellant herein could be said to have acted under sudden provocation, thus being deprived of the power of self-control. Necessarily, the offence has to be found to be one under Section 304 of the I.P.C. being culpable homicide not amounting to murder. However, under Part I of Section 304 of the I.P.C., since the bodily injury deliberately inflicted was likely to cause death and in such circumstance, the conviction has to be modified to be under Section 304 Part I. In the totality of the circumstances based on the evidence led, we are of the opinion that the sentence has to be of 7 years rigorous imprisonment. The fine imposed and the default sentence shall remain untouched. The appellant, if on bail, shall surrender within a period of two months before the jurisdictional Court, if he has not already completed seven years in jail.

8. The Criminal Appeal is allowed to the above extent.

9. Pending application(s), if any, shall stand disposed of.

....., J.

[SUDHANSHU DHULIA], J.

[K. VINOD CHANDRAN] NEW DELHI;

MARCH 25, 2025.