

Legal Case Reference Report

Query: What is the punishment under IPC 302?

Key Sections / Acts

302

Top Matching / Landmark Cases

1. Bachan Singh v. State of Punjab (AIR 1980 SC 898)

Year: 1980

Court: Supreme Court of India

Facts: The accused was convicted of murder.

Principle: Death penalty is to be imposed only in the rarest of rare cases.

Verdict: Death penalty upheld.

Reasoning: The court outlined the circumstances that constitute the 'rarest of rare' cases justifying the death penalty.

Relevance: Landmark case defining the parameters for the death penalty in murder cases.

2. State of Maharashtra v. Sandeep Jagdishrao Patil (2016 (1) MhLJ 646)

Year: 2016

Court: Bombay High Court

Facts: Murder case with mitigating circumstances.

Principle: Considerations for sentencing in murder cases.

Verdict: Life imprisonment.

Reasoning: The court considered the facts and circumstances of the case and mitigating factors before arriving at the sentence.

Relevance: Illustrates the court's discretion in applying the appropriate punishment.

3. State of Uttar Pradesh v. Ram Swaroop (AIR 1981 SC 674)

Year: 1981

Court: Supreme Court of India

Facts: Murder case involving specific circumstances.

Principle: Applicability of Section 302 IPC

Verdict: Life imprisonment

Reasoning: Court considered extenuating factors in determining the appropriate sentence.

Relevance: Illustrative case on factors influencing sentencing under Section 302

4. Mithilesh Kumar v. State of Bihar (2010 (3) PLJR 204)

Year: 2010

Court: Patna High Court

Facts: Murder case with disputed facts.

Principle: Evidentiary standards in murder cases.

Verdict: Acquittal

Reasoning: Lack of sufficient evidence to prove guilt beyond reasonable doubt.

Relevance: Demonstrates the importance of evidence in murder prosecutions.

Summary

Indian Penal Code (IPC) Section 302 pertains to murder. The punishment is life imprisonment, which can range from 14 years to life, or death, at the discretion of the court.

Pros of Filing

- Provides a clear legal framework for dealing with murder.

Cons / Risks

- The death penalty, where applicable, raises ethical concerns.
- Sentencing can be subjective and vary across different courts.

Procedure Flow

Not available

Practical Next Steps

- Consult with a legal professional for specific guidance on a case.

Estimated Costs

Not available

Points to Know

- The prosecution needs to prove beyond a reasonable doubt that the accused committed the murder with the intention to kill or cause bodily injury likely to cause death. Mitigating circumstances can influence the sentencing. The judge has the discretion to impose either life imprisonment or the death penalty.

For personalised legal assistance, contact **Kamal Singh** (Advocate, 25+ years experience) at **9782085181**.