

Kuruvi Alias Muthu vs State Of Tamil Nadu on 3 March, 1978

Equivalent citations: AIR1978SC1397, 1978CRILJ1421, (1979)1SCC136, AIR 1978 SUPREME COURT 1397, 1978 CRI APP R (SC) 202 1978 SC CRI R 214, 1978 SC CRI R 214

Author: S. Murtaza Fazal Ali

Bench: P.N. Shinghal, S. Murtaza Fazal Ali

JUDGMENT

S. Murtaza Fazal Ali, J.

1. In this appeal the leave was confined to the question of sentence only and that too on the question of compliance of the procedure under Section 235 of the Criminal P. C. We had by an order dated 12-1-1978 directed the Superintendent, Jail to ask the appellant to file an additional affidavit mentioning the facts and circumstances under which a lenient view on the sentence Could be taken. In compliance with our order an affidavit has been sent by the accused from the jail in which the only ground taken by him on the question of sentence is that he is a poor man having a wife and five children and was working as an agriculturist on daily wages which was the main source of sustenance for maintaining his family. The accused further mentioned that one P.W. 15 Kuppana owed him a sum of Rs. 5,000/- which he refused to pay although after the Panchayat it was agreed that he would pay Rs. 1,500/-. He also states that he had advanced Rs. 885/-to the deceased by way of loan. These circumstances show that his economic condition was not that bad. Having regard to the fact that he had caused brutal murder of two persons, it is not possible for us to interfere with the sentence of death imposed on him.

2. For these reasons the Appeal is dismissed and the sentence of death Is affirmed.