

Supreme Court of India

Suba Singh vs State Of Punjab on 10 April, 1981

Equivalent citations: AIR 1982 SC 690, (1982) 3 SCC 226

Bench: A Sen, D Desai

JUDGMENT

1. Special Leave granted limited to the question of nature of offence and sentence.
2. Having regard to the facts and circumstances of the case in which only one blow was given and that too by the blunt side of the (illegible), we are satisfied that the offence committed by the appellant would fall under Section 304 Part II, Indian Penal Code. Looking to the fact that the victim (accused) was aged about 13 years and altercation on a minor dispute took place and in this trivial dispute only one blow was given a sentence of rigorous imprisonment for seven years would meet the ends of justice. Accordingly this appeal is allowed and the conviction of the appellant under Section 302 and sentence of rigorous imprisonment for life are set aside and he is convicted under Section 304, Part II, Indian Penal Code and sentenced to undergo rigorous imprisonment for seven years. To the extent of this modification, the appeal is allowed.