

Supreme Court of India

Satya Narain vs State Of Rajasthan on 6 May, 1997

Equivalent citations: JT 1998 (9) SC 256, (1997) 11 SCC 83

Bench: M Punchhi, S Majmudar

ORDER

1. The High Court has extended to the sole appellant the right of private defence but having exceeded it. The only point thus to be considered in this appeal is whether the appellant had exceeded the right of private defence. In order to get into grip of this question complete details of the incident need not be mentioned.

2. The deceased Gopal who admittedly died at the hands of the appellant and one Kajod accused (who has not appealed) had received four visible injuries on his skull which the doctor opined occasioning as a result of two blows. Besides those there were other injuries on his person. Now these head injuries of the deceased clearly disclose that on the receipt of the same he would have been totally disabled or paralysed to carry forward the assault on the accused persons. He could mount the assault on the accused only earlier. The appellant had as many as four injuries on his person and Kajod co-accused nine injuries. These included injuries on their heads even though they were not grievous in nature. Those injuries were bleeding when the doctor examined them. It would thus be safe to conclude that the accused had received those injuries much before the deceased received the fatal blows on his head by the accused. Having received injuries on their heads on account of the assault made by the deceased the accused persons were well within their right to cause such injuries which were likely to cause the death of the deceased. There was thus no question of the accused having exceeded the right of private defence. The High Court was in error in placing a fetter on such right. We therefore allow this appeal and order the appellant's acquittal.