

Mohinder Singh

Vs

Delhi Administration

Criminal Appeal No. 117 of 1972

(C.A. Vaidialingam, I.D. Dua, A. Alagiriswami JJ)

10.01.1973

JUDGMENT

VAIDIALINGAM, J. -

1. The only question that arises for consideration in this appeal by special leave is whether the award of sentence of death is justified. As special leave has been restricted only to the question of sentence, we will only refer to the facts bearing on the same.
2. The appellant and one Gian Singh, P.W. 12, were working as carpenters in partnership for more than two years with different timber merchants in Delhi. They worked for some time under Santokh Singh, the deceased, before they went over to work under P.W. 13. A dispute arose between the appellant and P.W. 12 regarding the sharing of the remuneration due to them from P.W. 13. The matter was referred to the arbitration of the deceased, who made an award regarding the wages payable to the appellant and P.W. 12 by P.W. 13. P.W. 13 made the payment according to the award on April 16, 1970. The appellant appears to have been dissatisfied with the award made by the deceased. On April 17, 1970, at about 10 p.m., he mentioned to P.W. 12 that if Santokh Singh does not pay the amounts due to him, he, the accused, will murder him. P.W. 12 conveyed this threat of the accused to P.W. 1, the brother of Santokh Singh. P.W. 1 conveyed the same to his brother, Santokh Singh, but the latter did not pay any serious attention to this threat.
3. According to the prosecution, on April 18, 1970, at about 3.45 p.m., when Santokh Singh was in his timber depot, the accused went to his shop and stabbed him indiscriminately as a result of which Santokh Singh sustained serious injuries and died. Though the appellant had given a confessional statement to the Magistrate, he retracted the same and pleaded alibi in the Sessions Court. The appellant was arrested on April 19, 1970, in his village. The post-mortem certificates issued by the doctor P.W. 21, shows that as many as sixteen injuries were found on the dead body of the deceased. According to the doctor, injuries Nos. 1 to 3 singly and all other injuries collectively could have caused death in the ordinary course of nature. The learned Sessions Judge has accepted the evidence of the prosecution witnesses and rejected the plea of alibi set up by the accused. The learned Sessions Judge imposed the sentence of death on the ground that the appellant is guilty of a pre-meditated and cold-blooded murder and that there were no extenuating circumstances in his favour. The High Court had agreed with this reasoning of the Trial Court. After consideration of the various circumstances, we are satisfied that both the learned Sessions Judge and the High Court have acted properly in awarding the death sentence. That the murder is pre-meditated and cold-blooded, is clear from the evidence of P.W. 12 to whom the appellant had stated one day earlier of his intention to do away with Santokh Singh. The evidence of P.W. 12 is corroborated by the evidence of P.W. 1. The deceased was unarmed at that time and the position in which he was found by the witnesses,

immediately after the occurrence, clearly shows that he could not at all have been the aggressor. He was found in a sitting posture bleeding profusely. The number of injuries found on the body of the deceased shows that the appellant had inflicted as many as sixteen injuries on an unarmed and defenceless person. The various injuries on the hands and palms of the deceased indicate that the latter must have been desperately trying to save his life by attempting to ward off the blows with his hands. All these circumstances clearly show that the act of the appellant is a cold-blooded one and that the murder committed by him was brutal in nature. Under the circumstances, the award of the death sentence was perfectly justified. We see no merit in the appeal which is accordingly dismissed.

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