

Mangal Singh

Vs

State of U. P.

Criminal Appeal No. 151 of 1973

(H. R. Khanna, Y. V. Chandrachud JJ)

16.07.1974

JUDGMENT

KHANNA, J. -

1. Mangal Singh (50) was convicted by learned Additional Sessions Judge, Aligarh, under Section 302, Indian Penal Code, for causing the death of Longshri (35) and was sentenced to death. On appeal and reference the Allahabad High Court affirmed the conviction and sentence. Mangal Singh then came up in appeal to this Court by special leave. The leave was, however, restricted to the question of sentence only.
2. The prosecution case is that Mangal Singh is the son of Tota Ram. Mangal Singh's mother, Anchoo, after the death of her husband Tota Ram, married one Chhiddu. Mewa Ram was born to Anchoo from Chhiddu. Longshri deceased was the wife of Mewa Ram. Mangal Singh became a sadhu sometime ago. About six months before the present occurrence, Mangal Singh started living with Mewa Ram and Longshri in their house in village Keshopur. During this period there took place quarrels between the accused and deceased. The deceased did not cook any meals for the accused and about four or five days before the present occurrence she was given beating by the accused.
3. On March 26, 1971, at about 1 p.m. Nannu Singh (PW 10), an old man of 76, went towards the house of Mewa Ram and saw Mangal Singh accused inflicting gandas blows on Longshri. Nannu Singh then raised alarm. Mangal Singh, on seeing Nannu Singh ran away. Girwar Singh (PW 9) and Smt. Dropa (PW 12), an elder sister of the deceased Longshri saw Mangal Singh emerging out of the house with a blood-stained gandas in his hand. Mangal Singh then ran away but he was given a chase by Girwar Singh and other villagers who too were attracted on account of the alarm raised by Girwar Singh. Mangal Singh was then caught with the aid of two persons, Satya Prakash (PW 14) and Kishan Lal who were coming on their bicycles from the opposite direction. Mangal Singh along with the gandas was then taken to police station Hasain, at a distance of six miles from the place of occurrence and a report was lodged there by Girwar Singh.
4. Longshri died at the spot. Post-mortem examination on her body was performed by Dr. Lalit Mohan on March 27, 1971. As many as seven incised wounds were found on the face and neck of the deceased. The injuries were sufficient in the ordinary course of nature to cause death.
5. At the trial the plea of Mangal Singh was denial simpliciter.
6. The trial Court as well as the High Court accepted the prosecution case against the accused. He

was accordingly convicted for the murder of Longshri. The only question with which we are now concerned is, as already mentioned, that at sentence. So far as this aspect is concerned, we find that Longshri alone was present in the house along with the accused at the time of the occurrence. The appellant thus seems to have taken advantage of the absence of Longshri's husband from the house. As many as seven injuries were caused by the appellant on the face and neck of the deceased with gandasa. The number of injuries shows the brutal nature of the assault. We have not been referred to any extenuating circumstances as may justify the awarding of the lesser penalty.

7. In the result we see no ground to interfere with the sentence awarded to the appellant. The appeal fails and is dismissed.

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