

Nemu Ram Bora

Vs

The State of Assam and Nagaland

Criminal Appeal No. 144 of 1974

(K. K. Mathew, P. N. Bhagwati, N. L. Untwalia JJ)

20.12.1974

JUDGMENT

UNTWALIA, J. –

2. The appellant committed the triple murder of his wife and two minor daughters. He was tried and convicted under Section 302 of the Penal Code by the trial Judge. He sentenced the appellant to death. The reference for confirmation of the death sentence and the criminal appeal of the convict were heard together by the Assam High Court. The High Court confirmed the conviction and the sentence. Special leave was granted by this Court limited to the question of sentence only.

2. After hearing learned Counsel for the parties and on perusal of the judgments of the two Courts below and specially in view of the confessional statement made by the appellant when he was examined under Section 342 of the Code of Criminal Procedure, we have come to the conclusion that there was no particular motive for the appellant to commit the ghastly crime, He said that he was suffering from mental disorder since after he suffered a dog bite and committed the murder in such a state of mind. His claim to that extent may be correct or not but we think that the triple murder was committed by the appellant as a result of some mental imbalance. It was not a pre-planned ghastly act of a criminal. The facts and circumstances of the case lead to the conclusion that in a certain stage of imbalance of mind he committed the crime. He, therefore, does not deserve the extreme penalty of death. Due to the special circumstances, a lenient view is warranted in his case. We, therefore, allow the appeal on the question of sentence only and commute his death sentence to one for imprisonment for life.

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