

Ragho Mani

Vs

State of U. P.

Criminal Appeal No. 94 of 1975

(Y. V. Chandrachud, P. N. Bhagwati, R. S. Sarkaria JJ)

04.08.1975

JUDGMENT

CHANDRACHUD, J. -

1. The appellant Ragho Mani and one Nanhey were tried by the learned Sessions Judge, Gonda, on the charge that on the night between June 26 and 27, 1972, they committed the murder of one Raj Mani. The learned Sessions Judge convicted both the accused under Section 302 of the Penal Code. The appellant was sentenced to death whereas Nanhey was sentenced to imprisonment for life. In appeal, the High Court confirmed the order of conviction and sentence passed by the learned Sessions Judge. This appeal, by special leave, is directed against the judgment of the High Court, but the leave is restricted to the questions of sentence only.

2. The case of the prosecution, briefly, is that when the deceased Raj Mani was sleeping in his courtyard, two unknown persons fired shots at him. In order to save himself, Raj Mani started running away but he was overpowered. Thereafter, the appellant and Nanhey fired shots at him from a close range. Injury 1 which had caused extensive damage to the face and the brain of Raj Mani is attributed to the appellant while injury 6 which was found on the abdomen is stated to have been caused by Nanhey.

3. Learned Counsel appearing on behalf of the appellant argues that the appellant is a young man of 28 years of age; that he is no more guilty than Nanhey and if Nanhey was sentenced to imprisonment for life, there is no reason why he should be sentenced to death; and thirdly, that almost two years have elapsed since the sessions court gave its judgment and therefore, the sentence of death should be reduced to that of imprisonment for life. We find it impossible to accept this contention. It is the appellant, more than Nanhey, who had a strong and direct motive for committing the crime. Then again, it is the appellant who had given the threat to Raj Mani that he will kill him. Lastly, the appellant fired a shot at Raj Mani from a very close range on a vital part of the body like the head. The evidence shows that the shot caused extensive damage to the brain and the face, leading to Raj Mani's death.

4. We, therefore, confirm the sentence of death imposed on the appellant and dismiss the appeal.

</html