

**SUPREME COURT OF INDIA**

Thangiah

Vs.

State of T.N.

Crl.A.No.23 of 1977

(Y. V. Chandrachud and P. K. Goswami, JJ.)

25.02.1977

**JUDGEMENT**

**CHANDRACHUD, J.:-**

1. The appellant was sentenced to death on the charge that on October 21, 1975 he committed the murder of his wife, Kothainayaki. The special leave granted to the appellant to appeal against the decision of the Madras High Court, which confirmed the sentence of death imposed by the Sessions Court, is limited to the question of sentence only. Therefore, the only question which this appeal involves is whether the interest of justice requires that the extreme penalty of law must be imposed on the appellant.

2. It is clear from the various facts and circumstances which emerge from the evidence and from the affidavits which the appellant was permitted to file in this Court (since he was not heard on the question of sentence as such by the Trial Court) that he committed the murder under grave stress of abject poverty for which he was taunted from time to time by his wife and other relatives. Considering that the appellant had led a happy married life with the deceased for ten years and the

fact that the couple has three small children, the sentence may with some justification be reduced to imprisonment for life. We accordingly set aside the sentence of death and substitute in its place the sentence of life imprisonment.

Order accordingly.