

Srirangan

Vs

State of Tamil Nadu

Criminal Appeal No. 470 of 1977

(V. R. Krishna Iyer, N. L. Untwalia, P. S. Kailasam JJ )

30.11.1977

JUDGMENT

KRISHNA IYER, J. -

1. A toddy tapper, young in age and a mental case, returning after a day-long toil with his tool, the sickle, and tense in state, was provoked by some trivia and went into tantrums and inflicted triple killings, all in one sombre sunset. This bleeding tragedy led to prosecution and conviction, appeal and confirmation, the unimpeachable offence being murder. The defence of insanity tested by the hoary rule in MacNaghten's case, codified in the Indian Penal Code over hundred years ago, was rightly dismissed, the testimony of dementia falling far short of the prescription in Section 84, IPC. We have discovered no error in the factual finding and must therefore confirm the conviction. Indeed, leave itself was granted confined to the question of sentence.
2. The trial Judge, whose horror at the multiple homicide unsheathed the terror of death penalty, decreed capital sentence on the culprit, and the High Court, deeply disturbed by "the brutal triple murder", set its seal of approval on guilt and punishment.
3. In the agonisingly sensitive area of sentencing, especially in the choice between life term and death penalty, a wide spectrum of circumstances attracts judicial attention, since they are all inarticulately implied in the penological part of Section 302, IPC, read with Section 354(3), Cr. P.C. The plurality of factors bearing on the crime and the doer of the crime must carefully enter the judicial verdict. the winds of penological reform notwithstanding, the prescription in Section 302 binds and death penalty still permissible in the punitive pharmacopoeia of India. Even so, the current of precedents and the relevant catena of clement fact, personal, social and other, persuade us to hold that, even as in Nemu Ram v. State of Assam (AIR 1975 SC 762 : (1975) 1 SCC 318 : 1975 SCC (Cri) 98), the lesser penalty of life imprisonment will be a more appropriate punishment here.
4. We set aside the death sentence and award imprisonment for life to the appellant under Section 302, IPC. The appeal is disposed of accordingly.

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