

Gurdeep Singh

Vs

State of Rajasthan

Criminal Appeal No. 78 of 1976

(Syed M. Fazal Ali, A. D. Koshal JJ)

16.02.1979

JUDGMENT

FAZAL ALI, J. –

1. In this appeal by special leave, the appellant has been convicted under Section 326, IPC and sentenced to three years' RI and one of Rs. 500 and in default of payment thereof to further undergo rigorous imprisonment for three months. He has been further convicted under Section 27 of the Arms Act and sentenced to undergo imprisonment for one year. Both the substantive sentences have been directed to run concurrently. We have heard learned counsel for the parties and we do not find any error of law in the judgment of the High Court. The case depends purely in appreciation of evidence and the courts below have accepted the prosecution story. Mr. Mookherjee appearing for the appellant submitted that a lenient view on the question of sentence may be taken in view of the animus between the parties. The nature of the injury shows that both hands of the victim were almost maimed by the shots fired by the appellant. In these circumstances we do not think that there is any room for reduction as the sentence. The appeal is without any merit and is, accordingly, dismissed.

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