

SUPREME COURT OF INDIA

Piara Singh

Vs.

State of Punjab

(A. D. Koshal and S. Murtaza Fazal Ali JJ.)

22.01.1980

ORDER

The Text below is only a summarized version of the order pronounced

The accused was convicted under Section 302 and 323 of IPC after rejecting the plea of accused to conduct test identification parade. There were altogether five persons who committed the murderous assault and while all others were acquitted the appellant could not be alone held guilty of the murder of the deceased. Hence the appellant could not be convicted for the offence under Section 302 but liable only for the individual act which he would have committed in respect of the assault of the deceased. The appellant was therefore convicted under Section 323 and was sentenced to undergo rigorous imprisonment for 1 year.