

Shidagouda Ningappa Ghandavar

Vs

State of Karnataka

Criminal Appeal No. 743 of 1980

(CJI Y. V. Caaandrachud, A. C. Gupta JJ )

11.11.1980

ORDER OF THE COURT

1. Heard counsel. Special leave granted.
2. It is true that both the Sessions Court and the High Court have given "special reasons" for imposing death sentence upon the appellant. We have carefully considered every one of those special reasons but we are unable to agree that this is a proper case for imposing the death sentence. We have held recently in *Bachan Singh v. State of Punjab* (AIR 1980 SC 898 : (1980) 2 SCC 684 : 1980 SCC (Cri) 580) that the rule that the normal sentence for the offence of murder is life imprisonment should be observed both in letter and in spirit. We had therefore to emphasise in that case that the death sentence should be imposed in very extreme cases.
3. The appellant committed the murder of a young boy which has to be deprecated as strongly as one may but it appears that there was a land dispute between the deceased's father and certain other persons, which led to the murder of the unfortunate young boy. The appellant is not a habitual criminal, the circumstances which led to the crime are not likely to recur and the appellant has not committed the crime for any personal gain. On the whole we are of the opinion that the ends of justice will be met by sentencing the appellant to suffer imprisonment for life.
4. We do hope that even if the validity of Section 433-A of the Criminal Procedure Code is upheld by this Court (See *Maru Ram v. Union of India*, (1981) 1 SCC 107), the government will not, save for weighty reasons, reduce or commute the sentence of the appellant to less than fourteen years, since, unquestionably, he has committed a very serious crime.
5. Accordingly, we set aside the death sentence imposed upon the appellant and instead, impose the sentence of life imprisonment on him. With this modification the appeal is d

ismissed.

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