

Gayasi

Vs

State of U. P.

Criminal Appeal No. 362 of 1979

(CJI Y.V. Chandrachud, A.P. Sen JJ)

17.03.1981

JUDGMENT

CHANDRACHUD, J. -

1. The appellants land was auctioned on December 26, 1976 in a revenue sale held to recover arrears of land revenue. On the same day, the land on one Mool Chand was also sold for a similar reason. The deceased Bhagwan Singh, who was an Amin, acted as an officer of the court in effecting the aforesaid sales. After the sale proceedings were over, Bhagwan Singh was returning home on a bicycle, with his peon Shripat, who is examined in the case as PW 4. The appellant, Mool Chand and the latter's son Days Ram lay in wait for the deceased and while he was passing along on his bicycle, Daya Ram fired three shots at him; two out of these hit Bhagwan Singh, as a result of which he fell down. A splits second thereafter, the appellant emerged with a sword and chopped off the neck of Bhagwan Sigh Daya Ram is still absconding but the appellant was convicted by the Sessions Court under Section 302 read with Section 34 of the Penal Code and was sentenced to death. He was also convicted under Section 307 of the Penal Code. The sentence of death having been confirmed by the High Court, the appellant has filed this appeal by special leave. The leave is limited to the question of sentence.

2. We see no reason for commuting the sentence of death imposed upon the appellant to the lesser sentence of imprisonment for life. The fact that Daya Ram is absconding does not reduce the gravity of the offence committed by the appellant. Bhagwan Singh had but performed his ministerial duty as an Amin in putting the appellants land to sale. He bore to personal grudge against the appellant nor had he anything to gain for himself by selling the lands of the appellant and of Daya Ram. Such crimes committed against public servants for reasons arising out of the performance by them of their pubic duties must be discouraged and put down with a firm hand. We, therefore confirm the sentence of death passed on the appellant and dismiss the appeal.

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