

Pritam Singh

Vs

State (Delhi Administration)

Criminal Appeal No. 245 of 1981

(Syed M. Fazal Ali, A. Varadarajan JJ)

01.05.1981

JUDGMENT

FAZAL ALI, J. -

The appellant in this appeal by special leave was convicted under Section 302, Indian Penal Code and sentenced to imprisonment for life. He was also convicted under Section 324, IPC and sentenced to three years' rigorous imprisonment. We have gone through the judgments of the courts below and we do not find any force in this appeal. The only point which was argued by Mr. Bana, learned counsel for the appellant, is whether in the circumstances of the case the offence committed by the appellant would fall under Section 302, IPC or under Section 304, Parts I and II of the IPC. There is clear evidence to show that the appellant was armed with a dagger and he assaulted deceased as also Sewa Singh who tried to intervene. The nature of the injury was 4 inches deep and was on a most vital part of the body namely the chest. According to the opinion of the doctor the injury was sufficient in the ordinary course to cause death. In these circumstances we are satisfied that the case of the appellant cannot be brought by any stretch of imagination to that under Section 304, IPC. We are, therefore, of the opinion that the appellant was rightly convicted under Sections 302 and 324 of the Indian Penal Code. The appeal is accordingly dismissed.

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