

Ramesh Kumar

Vs

Ram Kumar and Others

Criminal Appeals Nos. 10-12 of 1984

(A. P. Sen, O. Chinnappa Reddy, E. S. Venkataramiah JJ)

26.04.1984

JUDGMENT

CHINNAPPA REDDY, J. -

1. We are very unhappy about the judgment of the High Court. Both the respondent were convicted by the learned First Additional Sessions Judge of Kurukshetra under Section 302 read with Section 34 of the Indian Penal Code and each of them was sentenced to undergo imprisonment for life. On appeal for very strange reasons, the High Court acquitted the first respondent and converted the conviction of the second respondent to one under Section 304-A I P C and reduced the sentence to two yeas rigorous imprisonment. What the High Court said speaks for itself. This is what the High Court said;

However we are told by the leaned counsel for the parties that they being closely related some members of the village have intervened and have brought about some sort of arrangement under which Ram Kumar appellant has already made a gift of three acres of land in favour of Smt. Maya Devi widow of Chander Shekhar as compensation on account of the loss of life of her husband. Thought this is not a matter which can be taken notice by an end. Since the father of Ramesh Kumar (PW 6) had lost his life, he could possibly have indulged in some exaggeration to magnify the nature of the offence. In the circumstances we give benefit of doubt to Ram Kumar appellant and acquire him. We covert the conviction of Ratna appellant from one under Section 302 to one under Section 304-A Indian Penal Code and sentence him to undergo two years rigorous imprisonment Ram Kumar appellant is on bail. His bond shall stand discharged.

2. We can only say that the judgment of the High Court has left us shocked and perplexed. We are at a total loss to understand it. The entire system of administration of criminal justice is reduced to a mockery. If the judgment of the High Court is upheld it is as if a person who can afford to make gifts of land or money to the heirs of the victim may get away even with a charge of murder. Courts are to dispense justice not to dispense with justice. The judgment cannot stand a second's scrutiny. It is accordingly set aside and the mater is remanded to the High Court so that the criminal appeal and revisions may be reheard. On behalf of the accused a very curious request was made that the land gifted by the father of the accused to the widow of the deceased may be directed to be returned to the father of accused. We take no notice of the gift and we reject the request.

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