

Dalla and Another

Vs

State of Rajasthan

Criminal Appeal No. 482 of 1986

(O. Chinnappa Reddy, M. M. Dutt JJ)

16.09.1986

ORDER

1. Special leave granted.

2. Both the appellants have been directly convicted of the offence under Section 302 IPC without the application of Section 34. The medical evidence discloses that there was only fatal injury. The evidence does not show that there was common intention to cause death. We think that in the circumstances of the case, the safer course would be to convert the conviction of appellants to one under Section 304 IPC instead of under Section 302 IPC. The conviction of the appellants is, therefore, altered to one under Section 304 IPC. Accordingly the sentence is altered from life imprisonment to 7 years rigorous imprisonment. If they have already undergone the sentence, they will be released forthwith. The appeal is disposed of accordingly.

</html