

Ramaswami

Vs

State of Tamil Nadu.

Criminal Appeal No. 248 of 1980

(V. R. Krishna Iyer, D. A. Desai JJ)

21.03.1990

JUDGMENT

KRISHNA IYER, J. –

1. After preliminary hearing we grant leave.
2. A short point as to the nature of the precise offence arises in this case where the son, the appellant, killed his father, the deceased, on account of domestic squabble arising from the marriage of the appellant. It is the finding of the Court that this gave rise to domestic tension. The father even declined to attend the wedding. Be that as it may, the mortal wound was stated to have been caused by a single sickle blow on the head. It was not fatal and the victim, for a time, survived in the hospital. Later, surgery was done but, no account of infection, eventually he passed away 10 days later.
3. These circumstances, read in the light of the surrounding facts, convinces us that the offence is one under Section 304 Part II, IPC and not under Section 302, IPC. We convert the conviction accordingly and sentence the appellant to 7 years' RI under Section 304 Part II of the IPC.

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