

State of Punjab

Vs

Gurcharan Singh

Criminal Appeal No. 669 of 1991

(G. T. Nanavati, S. P. Kurdukar JJ)

02.09.1998

JUDGMENT

NANAVATI, J.

1. The respondent has been convicted under Section 304 Part I IPC and sentenced to suffer rigorous imprisonment for seven years. The State has filed this appeal as he was acquitted under Section 302 IPC.
2. The High Court has recorded a finding that the incident took place at the spur of the moment. There was no motive for committing the offence. The respondent had given only one blow in the sudden quarrel which took place between him and the deceased.
3. After taking into consideration all the circumstances, the High Court convicted him under Section 304 Part I IPC. Considering the facts and circumstances of the case, it cannot be said that the High Court was wrong in acquitting him under Section 302 IPC and convicting him only under Section 304 Part I IPC.
4. This appeal is, therefore, dismissed.