

**SUPREME COURT OF INDIA**

Sasi alias Chalil Sasi

Vs.

State of Kerala

(G.B.Pattanaik and M.B.Shah JJ.)

24.02.1999

**ORDER**

The Text below is only a summarized version of the order pronounced

Some of the accused have sustained some injuries but they are so negligible and insignificant that the prosecution cannot be said to be obliged to explain those injuries. There is no material in the cross-examination of the prosecution witness to indicate that the appellant accused gave the blow only when some of the other accused had already sustained the injuries on their person caused by the deceased and the accused cannot be held to be entitled to the benefit of Section 100 of the IPC. The question was whether the blow given by the accused was done with the intention of causing the death of the deceased. Though the accused had given one blow on the vital organ of the body it cannot be held that he inflicted the blow with the intention of causing death and consequently the offence should be one under Part II of Section 304 IPC and not under Part I. The appellant is convicted under Section 304 Part II and sentenced to Rigorous imprisonment for four years.