

SUPREME COURT OF INDIA

Kommarajula Narasaiah

Vs.

State of A.P.

(S. Saghir Ahmad and Doraiswamy Rajuu Raju JJ.)

01.05.2000

ORDER

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

The Assistant Session judge convicted the petitioner for the offence under section 376 IPC then the petitioner filed an appeal where the learned session judge reduced the sentence from seven years to five years. The reason to reduce the sentence from seven years to five years indicates that the learned session judge was impressed by the fact that the rape was committed due to the circumstances which are that his wife had abandoned him and not for lust alone. But it is a heinous crime and this is not a cause to commit rape, so the sentence could not have been reduced. Section 376 provides that that the sentence shall not be less than seven years. The proviso, which enables the court to impose the sentence less than seven years, cannot be arbitrary on irrelevant ground. So there is no merit in the petition therefore the Supreme Court dismissed the same but enhanced the sentence to seven years as imposed by the learned Assistant Sessions judge.