

**SUPREME COURT OF INDIA**

Chacko

Vs.

State of Kerala

(K Thomas and R Sethi JJ.)

26.07.2000

**JUDGMENT**

**K.T. THOMAS, J.**

1. There is no scope for any right of private defence merely on the premise that Soman, the deceased reached the scene armed with a chopper. The prosecution version is that Soman reached there when he found that his brother -Kunjumon was in great peril as surrounded by armed assailants. No aggressor can claim a right of private defence -this is a settled position.

2. Out of 9 accused found guilty by the trial court, the Division Bench of the High Court picked out only 4 of them as the identification and involvement of them alone have been established by the witnesses.

3. We have considered the evidence and we are of the opinion that the conclusion reached by the High Court does not require any interference by us. Accordingly, the appeal is dismissed.

4. We are told that accused No. 4 (Mathew @ Mathan s/o Chacko) has died during the pendency of this appeal. We direct the other appellants (who are arraigned as accused No. 1 - Chacko s/o Varghese, accused No. 3 - Manikuttan and accused No. 5 - Chacko s/o Chacko) to surrender to their bail. We also direct the Sessions Judge, Alappuzha to take prompt steps to put those accused back in jail for undergoing the remaining portion of the sentence.