

SUPREME COURT OF INDIA

Dhanai Mahto

Vs.

State of Bihar

Crl.A.No.580 of 2000

(K. T. Thomas and R. P. Sethi, JJ.)

26.07.2000

ORDER

1. Leave granted.

2. Notice was issued on the Special Leave Petition limited to the quantum of sentence, and therefore, we are not disposed to consider the merits of the case. We will go by the findings that appellants were also involved in the offence found against them. The allegations made against them is that they entered the house of PW-4 and looted away the ornaments and other articles. They were armed with bamboo sticks and lathis.

3. Learned counsel contends that the weapons attributed to them cannot answer the description of deadly weapons. We are persuaded to accept the said contention, particularly, in view of the absence of other descriptions given to the weapons. Merely, the description of bamboo sticks or lathis is not enough to make the weapons lethal or deadly. There is no case that the accused inflicted grievous hurt or attempted to inflict grievous hurt to the inmates. Therefore, the limitation prescribed in Section 397 of the Indian Penal Code cannot be applied.

4. Considering all aspects, we think that a sentence of imprisonment for a period of 4 years will be sufficient to meet the ends of justice. We, therefore, reduce the sentence of the appellants to rigorous imprisonment for 4 years.

5. This appeal is disposed of accordingly.

Order accordingly.