

SUPREME COURT OF INDIA

Chandrakumar @ Kali

Vs.

State of Madhya Pradesh

Crl.A.No.378 of 2020

(R.Banumathi and A.S.Bopanna,JJ.,)

03.03.2020

ORDER

R.Banumathi.J.,

SLP(Crl.)No.2749 of 2019

1. Leave granted.
2. This appeal has been preferred against the Judgment and order dated 18.12.2018 passed by the High Court of Madhya Pradesh in CRA No. 1574 of 1996 in and by which the High Court has reduced the sentence awarded to the appellant from ten years to five years.
3. On 24.09.1994 at about 05.30 a.m. in a wordy quarrel, when the deceased Munna was milking the buffalo in Kanhaiya Dairy owned by the appellant-accused, the appellant-accused came to the deceased and asked to show the bucket of milk. On seeing the less quantity of milk, the appellant-accused is alleged to have beaten the deceased with bamboo stick on the head due to which the deceased signfell1 down on the ground and became unconscious. The appellant-accused with the help of other servants took the deceased to the hospital where the deceased died on 20.10.1994. Initially the case was registered under Section 307 IPC which was subsequently altered to Section 302 IPC.
4. Upon consideration of the evidence, the Trial Court observed that there was no intention on the part of the appellant to cause the death of deceased. The Trial Court vide judgment dated 16.09.1996 convicted the appellant-accused under Section 304 Part- II and sentenced him to undergo ten years rigorous imprisonment.
5. In appeal preferred by the appellant before the High Court, the High Court after considering the facts and circumstances of the case, reduced the sentence of imprisonment from ten years to five years.
6. Being aggrieved, the appellant-accused has preferred this appeal.

7. We have heard Mr. Raju Ramachandran, learned senior counsel appearing on behalf of the appellant as well as Mr. Ravi Prakash Mehrotra, learned counsel appearing on behalf of the respondent- State of Madhya Pradesh.

8. Mr. Raju Ramachandran, learned senior counsel appearing on behalf of the appellant submitted that though in SLP grounds various contentions have been raised assailing the conviction but when we have heard the matter, learned senior counsel mainly confined his submissions only on the question of sentence. It is also submitted that the appellant-accused has two daughters of marriageable age viz. 19 and 21 years and there is no male member in the family to take care of the family and also of the daughters.

9. Considering the peculiar facts and circumstances of the case and also the submissions of learned senior counsel appearing on behalf of the appellant-accused, we reduce the sentence of imprisonment awarded to the appellant from five years to two years.

10. The appeal is partly allowed.

11. Since the above order is passed in the peculiar facts and circumstances of the case, the same may not be quoted as a precedent in any other case.