

CASE NO.:
Appeal (crl.) 579 of 2008

PETITIONER:
RANJAN & ORS

RESPONDENT:
STATE BY INSP.OF POLICE,NILGIRIS

DATE OF JUDGMENT: 01/04/2008

BENCH:
P.P. Naolekar & Aftab Alam

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NO.579 OF 2008
[ARISING OUT OF SLP (CRIMINAL) NO.2054 OF 2007]

1. Leave granted.
2. It is submitted by learned counsel for the appellants that there was no intention to

kill the deceased Savithri and thus their conviction under Section 302 of the Indian Penal Code by the courts below was not proper.

3. We have considered the arguments advanced by the learned counsel for the appellants. The nature of the injuries sustained by the deceased has been referred to in paragraph nos.21, 22 and 23 by the High Court which read as under:

"21. It was lastly contended that the deceased intervened and A-3 to A-5 attacked her and this would not come under the ambit of the offence under Section 302 IPC. It is also contended that A-5 caused only contusion on the face of the deceased and as such, if at all, he could be convicted only for the lesser offence.

22. We are not impressed with the submission. Ex. P-13 post mortem certificate shows that the deceased Savithri sustained injury on the head with bleeding in the scalp on the left temporal and right temporal parietal region and the membranes were intact and that there was "subural haemorrhage in the left fronto-parietal and right temporo parietal region" and the bleeding into the brain matter in the temporal region cortical and subcortical areas. In Ex. P.15 final opinion, PW.12 Doctor would state that the deceased "died due to shock and haemorrhage due to extensive head injury-subarachnoid haemorrhage and bleeding into the brain matter".

23. So, the details of the injuries found in Exhibits P-13 and P-15 would clearly indicate that a heavy force had been employed by A-3 to A-5 to cause injuries on the head of the deceased, which resulted in her death by causing injuries on the very brain matter. Therefore, in our view, the conviction and sentence imposed on A-3 to A-5 are perfectly justified and the same are to be confirmed."

4. From a perusal of the aforesaid reasoning given by the High Court, we are satisfied that there was an intention to cause death of the deceased on the part of the accused\026appellants and thus we do not find any good or sufficient reason to interfere with the sentence imposed on them.

5. The appeal is dismissed accordingly.