

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1435 OF 2009
(Arising out of SLP(Crl.) NO. 3605/2009)

SEWA SINGH

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

ORDER

Leave granted.

The appellant along with one Jasmer Singh was prosecuted for commission of offences under Sections 302, 323, 324, 326, 447, 149 and 148 of the Indian Penal Code ('IPC', for short) for causing death of one Prem Singh and injuries to Bhag Singh and Naib Singh. Jaasmer Singh was held guilty under Sections 302, 326/34, 324/34 and 447 IPC and was sentenced to undergo life imprisonment and to pay a fine of Rs. 5000 and, in default, to undergo further rigorous imprisonment for one year. The appellant – Sewa Singh was convicted for commission of offences under Sections 302/34, 326, 324/34 and 447 IPC and was sentenced to life imprisonment and to pay a fine of Rs. 5000 and, in default, to undergo further rigorous imprisonment for one year.

The appeal preferred by Jasmer Singh and others being Criminal Appeal No. 551/2009, was disposed of by a Bench of this Court on 23.3.2009 in the following terms:

“Heard learned counsel for the parties. Considering the peculiar facts of the case, we are of the view that the appropriate conviction would be under Section 304 Part-I, Indian Penal Code, 1860 (for short 'the IPC') and custodial sentence for 8 years would meet the end of justice. The appeal is disposed of.”

In view of the fact that Jasmer Singh, who inflicted the fatal blow on the deceased Prem Singh, has been found to be guilty of commission of offence under Section 304 Part-I of the IPC, we have no other alternative but to hold the appellant guilty for commission of offence under Section 304 Part-I of the IPC read with Section 34 and other provisions of the IPC, as noticed hereinbefore.

For selfsame reasons, we direct that the sentence of the appellant shall be reduced to eight years rigorous imprisonment. He is directed to be released immediately on completion of eight years rigorous imprisonment, if not required in connection with any other case.

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The appeal is partly allowed in the manner indicated above.

.....J.
[S.B. SINHA]

.....J.
[G.S. SINGHVI]

.....J.
[DEEPAK VERMA]

New Delhi.
JULY 28, 2009.

