

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 8-9 OF 2010
(Arising out of SLP(Crl.) Nos.6599-6600/2009)

RANJIT SINGH

Appellant(s)

:VERSUS:

STATE OF PUNJAB

Respondent(s)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The appellant was sentenced to imprisonment for life under Section 302 of the Indian Penal Code (I.P.C.), 10 years' rigorous imprisonment under Section 307 I.P.C. and 10 years' rigorous imprisonment under Section 333 I.P.C. While sentencing the appellant, the Additional Sessions Judge, Ludhiana, did not grant him benefit of set off under Section 428 of the Code of Criminal Procedure, on the basis of the judgment of this Court in Kartar Singh vs. State of Haryana, [AIR 1982 SC 1439 = 1982 (3) SCC 1].

A Constitution Bench of this Court in the case of Bhagirath vs. Delhi Administration, [1985 (2) SCC 580], has specifically overruled Kartar Singh's judgment (supra), the relevant paragraph of which reads as under:

"We have considered with great care the reasoning upon which the decision in Kartar Singh (1982 3 SCC 1) proceeds. With respect, we are unable to agree with the decision. We have already discussed why imprisonment for life is imprisonment for a term, within the meaning of section 428. We would like to add that we find it difficult to agree that the expressions 'imprisonment for life' and 'imprisonment for a term' are used either in the Penal Code or in the Criminal Procedure Code in contradistinction with each other. Sections 304, 305, 307 and 394 of the Penal Code undoubtedly provide that persons guilty of the respective offences, shall be punished with imprisonment for life or with imprisonment for a term not exceeding a certain number of years. But, that is the only manner in which the Legislature could have expressed its intention that persons who are guilty of those offences shall be punished with either of the sentences mentioned in the respective sections. The circumstances on which the learned Judges have placed reliance in Kartar Singh, do not afford any evidence, intrinsic or otherwise, of the use of the two expressions in contradistinction with each other. Two or more expressions are often used in the same section in order to exhaust the alternatives which are available to the Legislature. That does not mean that there is, necessarily, an antithesis between those expressions."

In our considered view, the appellant is entitled to the benefit of set off under Section 428 of the Code of Criminal Procedure.

The appeals are partly allowed and disposed of in the above terms.

.....J
(DALVEER BHANDARI)

.....J
(A.K. PATNAIK)

New Delhi;
January 4, 2010.

