

**AN ANALYTICAL REPORT OF CASES AND
THEIR SENTENCING POLICY AND
PRINCIPLES INVOLVED**

(1950 TO 1960)

(Level : I)



SUBMITTED BY :

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Sr. No.	<u>Name of the case and its citation</u>	<u>Issues</u>	<u>Remarks (SC)</u>
01.	Mohinder Singh v. The State. [AIR 1953 SC 415] <u>(Decided on : 17-10-50)</u>	Appellant, Mohinder Singh, was convicted and sentenced to death under section 302, 307 and 34 of the I.P.C by the Sessions Court. High court of Punjab confirmed his conviction and death sentence and thus, this appeal by special leave was preferred by the appellant.	Sentence and Conviction set aside. Supreme court was of the opinion that no proper and fair trial has been conducted and hence conviction was set aside. Also, no fresh trial was ordered, as the court felt it would be unfair in eyes of law since the accused remained in a dilemma over his death sentence for period of one year.
02.	Arjun Lal Misra v. The State. [AIR 1953 SC 411] <u>(Decided on : 30-11-50)</u>	Appellant, Arjun Lal Misra was convicted for the offences punishable under Sections 457/380/461 of the Indian Penal Code that is house breaking by night to commit theft, the substantive offence of theft, and dishonestly breaking open a closed receptacle. This is an appeal by leave granted by the High Court of Orissa under Article 134(1) (c) of the Constitution of India. The order granting leave is a lengthy one and proceeds on the basis that the conviction of the appellant	The appellant, Arjun Lal Misra, was acquitted by the Supreme Court due to omission in the examination of the accused under section 342 of the Criminal Procedure code at the trial stage. Conviction and sentence of the appellant set aside and acquitted with respect to other charges. It was observed that accepting the version of the High Court about the occurrence, as we must, we have before us a case where the conclusion of guilt rests solely on a retracted confession, not only uncorroborated in material particulars, but untrue in many parts. Such a conviction is opposed

		<p>amounted to a miscarriage of justice on the facts and that there was failure to comply with the requirements of Section 342 of Criminal P. Code.</p>	<p>to law and cannot be allowed to stand.</p>
03.	<p>Tulsiram Kanu v. The State. [AIR 1954 SC 1]. <u>(Decided on : 29-01-1951)</u></p>	<p>Appellant, Tulsiram Kanu, was charged for offence of murder under Section 302 and for offence of misappropriating property under Section 404 of Indian penal code.</p> <p>This is an appeal by Tulsiram Kanu from the judgment and order of the High Court at Nagpur, reversing the judgment and order of the Additional Sessions Judge, Bhandara, and convicting the appellant for the offence of murder and passing a sentence of death on him under Section 302, Indian Penal Code.</p>	<p>Conviction and sentence set aside by the Supreme court and it was stated that the judgment of the High Court is principally based on the identity of the recovered ornaments. The rest of the judgment of the High Court is defective in not taking into consideration the different detailed reasons given by the Sessions Judge for rejecting the rest of the evidence alleged to prove the guilt of the appellant. In our opinion the High Court was in error in convicting the appellant of murder and we have, therefore, reversed the decision of the High Court. The reasoning of the High Court that the accused had not made any attempt to show that the ornaments belonged to him is clearly fallacious. The failure or omission of the appellant to prove that fact does not in any way help the prosecution in proving the guilt of the appellant.</p>

			<p>As the ornaments are not proved to be the ornaments of the deceased, no conviction under Section 404, I. P. C., can be sustained.</p> <p>Matter relates to the offence of theft and murder in which the evidences recovered did not depict clear connection with the offences alleged for, hence the conviction and the sentence was set aside by the Supreme court.</p>
04.	<p>Santosh Kumar Jain v. The State Union of India (Intervener).</p> <p>[AIR 1951 SC 201]</p> <p><u>(Decided on :05-03-1951)</u></p>	<p>Appellant, Santosh Kumar Jain, was convicted and sentenced to three weeks simple imprisonment under section 186 of the I.P.C.</p> <p>This is an appeal from a judgment of the High Court of Judicature at Patna dismissing a revision petition against the conviction of the appellant for an offence under s. 186 of the Indian Penal Code.</p>	<p>Appeal dismissed. Bail bond cancelled and appellant ordered to surrender. The sentence and conviction order of the High court was stated to be in full accord with the facts and circumstances of the matter and hence was upheld.</p>
05.	<p>Geoffrey Manners and Company Ltd. V. The State of Bombay.</p> <p>[1959 (61) BOMLR 603]</p> <p><u>(Decided on : 11-05-1951)</u></p>	<p>First appellant, company is a private limited company, having its registered office in Bombay. Appellants Nos. 2 and 3 are the directors of the company who were convicted under section 6 of the Indian</p>	<p>Conviction and sentence was set aside by the Supreme Court.</p> <p>Sentence passed under section 486 of the Indian Penal Code was not justified on facts and hence, was set aside by the Supreme court</p>

		<p>Merchandise Act and Section 486 of the Indian Penal Code. This is an appeal from a judgment and order of the High Court at Bombay convicting the appellants under Section 6 of the Indian Merchandise Marks Act (hereafter referred to as the Act) and Section 486 of the Indian Penal Code, in respect of a toilet preparation described as "Anne French, cleansing milk" with a label affixed thereon.</p> <p>Appellants were alleged for false trade description of their product by concealment or omission of not mentioning its content and place of manufacture in order to misguide people that the good is manufactured in England.</p>	<p>relying upon the facts and circumstances of the case. The Supreme Court stated that, to hold any of the accused guilty of affixing a counterfeit mark or to have affixed a false mark on a receptacle containing goods of a "quality or nature different from the real nature", there must be proof of the existence of some genuine mark or goods of the true nature, because without such proof the requirements of the sections are not complied with. The evidence on record does not show the existence of any such genuine mark or different true article. We, therefore, think that the High Court erred in convicting the accused under the different sections of the Penal Code or Section 7 of the Act</p>
<p>06.</p>	<p>Waliyat Khan & Others v. The State of U.P. [Air 1953 SC 122] <u>(Decided on : 25-05-1951)</u></p>	<p>Three appellants and another Abdul Hai Khan were tried by the Sessions Judge of Ghazipur for the murder of one Sikandar Khan, and they were acquitted.</p> <p>The State preferred an appeal against the acquittal to the</p>	<p>Appellant acquitted and order of the Sessions Judge restored. Sentence and conviction of the High Court set aside on the reason that the grounds given by the High Court to set aside the acquittal order of the Sessions Judge was not as such to show that the</p>

		<p>High court. The acquittal was set aside and they were convicted under Sections 147 and 302/149, of the Indian Penal Code, and sentenced to two years' rigorous imprisonment and transportation for life respectively, the sentences being made to run concurrently and hence they preferred the present appeal by special leave.</p>	<p>conclusion arrived at by the Sessions judge was not proper.</p>
<p>07.</p>	<p>Muthuswami v. State of Madras.</p> <p>[AIR 1954 SC 4]</p> <p><u>(Decided on : 22-10-1951)</u></p>	<p>Appellant Muthuswami had been convicted of the murder of Nachimuthu Goundan and sentenced to death. This appeal being preferred by the appellant upon confirmation of the sentence and conviction by the High Court.</p> <p>Appeal filed raised a question "Whether a conviction can be based on a retracted and uncorroborated confession?"</p>	<p>Appellant was acquitted and his conviction was set aside.</p> <p>The Supreme court held that, "the only reason the High Court give for accepting the confession is because the learned Judges considered there was intrinsic material to indicate its genuineness. But the only feature the learned Judges specify is that it contains a wealth of detail which could not have been invented. But the point overlooked is that none of this detail has been tested. The confession is a long and rambling one which could have been invented by an agile mind or pieced together after tutoring. What would have been difficult is to have set</p>

			out a true set of facts in that manner. But unless the main features of the story are shown to be true, it is, in our opinion, unsafe to regard mere wealth of uncorroborated detail as a safeguard of truth”.
10.	<p>Hate Singh Bhagat Singh v. The State of Madhya Bharat.</p> <p>[AIR 1953 SC 468]</p> <p><u>(Decided on :22-11-1951)</u></p>	<p>Two brothers Hate Singh and Bheru Singh were convicted of the murder of one Shiv Singh and sentenced to death. The Madhya Bharat High Court confirmed the convictions and upheld the sentences. Both appealed to this Court. Bheru Singh's appeal was dismissed 'in limine' because he admitted the shooting from the start and took all the blame on himself. Present case is the appeal by Hate Singh.</p>	<p>Supreme Court sets aside the conviction and sentence of the appellant Hate Singh.</p> <p>Benefit of doubt resulted in setting aside of the conviction and sentence of the appellant as the prosecution evidence failed to establish guilt beyond all possible doubts.</p>
11*.	<p>Adamji Umar Dalal v. The State of Bombay.</p> <p>[AIR 1952 SC 14]</p> <p><u>(Decided on : 26-11-1951)</u></p>	<p>The appellant Adamji Umar Dalal was tried along with five other persons on the following charges punishable under sections 7 and 8 of the Essential Supplies (Temporary Powers) Act and for offences punishable under section 106 and 107 of the Indian Railway Act, read with</p>	<p>Sentence was reduced by the Supreme Court to be imposed in case of default only and Rs.1000 fine was ordered to be paid instead of Rs. 15000. Supreme court was of the opinion that fine was sufficient to meet the ends of justice in this case.</p> <p>The principle laid down is as follows : - “The determination of the</p>

		<p>section 114 of the Indian Penal Code.</p> <p>Sentence of six months imprisonment with 15000 fine was imposed upon the appellant.</p> <p>Two appeals by special leave are limited to the question of sentence only.</p>	<p>right measure of punishment is often a point of great difficulty and no hard and fast rule can be laid down, it being a matter of discretion which is to be guided by a variety of considerations, but the courts has always to bear in mind the necessity of proportion between an offence and the penalty. In imposing a fine it is necessary to have as much regard to the pecuniary circumstances of the accused persons to the character and magnitude of the offence, and where a substantial term of imprisonment is inflicted, an excessive fine should not accompany it except in exceptional cases. It seems to us that due regard has not been paid to these consideration in these cases and the zeal to crush the evil of black marketing and free the common man from this plague has perturbed the judicial mind in the determination of the measure of punishment”.</p>
<p>12.</p>	<p>Bhagat Singh v. The State Gurdev Singh (Caveator).</p> <p>[AIR 1952 SC 45]</p> <p><u>(Decided on : 19-12-1951)</u></p>	<p>Appellant being accused for the offence of murder was sentenced to death. Hence, an appeal against the judgment of the High Court at Patiala upholding the conviction and</p>	<p>Appeal dismissed as the contentions raised were found to be devoid of merit and the court made an observation that an act will constitute a single offence despite of the fact that it causes</p>

		<p>sentence of the appellant, who was tried by the Sessions Judge of Sangrur for the offence of murder and sentenced to death.</p>	<p>harm to more than one. Ex :- one bullet fired at both A and B will be a single offence.</p>
13.	<p>Kashmira Singh v. The State of Madhya Pradesh. [AIR 1952 SC 159] (Decided on : 04-03-1952)</p>	<p>The appellant Kashmira Singh has been convicted of the murder of one Ramesh, a small boy aged five, and has been sentenced to death. He was granted special leave to appeal</p>	<p>Benefit of doubt facilitated the acquittal of the appellant from conviction and sentence for offences of murder, conspiracy and kidnapping but was convicted under section 201 of the Indian Penal Code.</p>
14.	<p>Pangambam Kalonjoy Singh v. State of Manipur. [AIR 1956 SC 9] (Decided on :)</p>	<p>Appellant, P.K.Singh was convicted for the offence of murder. This is an appeal from a conviction for murder and a sentence of death. The appellant was tried by the Judicial Commissioner of Manipur, a Part C State to which the Criminal Procedure Code does not apply but to which the Indian Evidence Act does. Though the Code of Criminal Procedure does not apply to Manipur, the trial has been substantially in accordance with the procedure laid down by that Code.</p>	<p>Appellant acquitted. Weighing the evidence the bench was of the opinion that large amount of doubt and suspicion exists and in such circumstances it would be unsafe to convict the appellant and hence the conviction and sentence were set aside.</p>

<p>15.</p>	<p>Hanumant v. The State of Madhya Pradesh.</p> <p>&</p> <p>Raoji Bhai v. The State of Madhya Pradesh.</p> <p>[AIR 1952 SC 343]</p> <p><u>(Decided on : 23-09-1952)</u></p>	<p>First appellant held the post of Excise commissioner and the second appellant as Chemical Engineer, they were convicted and sentenced for the offences of criminal conspiracy, forgery and abetment.</p>	<p>Supreme court acquitted the appellants and stated that evidences produced were insufficient to prove the guilt of the accused beyond all reasonable doubt and hence provided scope for the acquittal of the appellant.</p>
<p>16.</p>	<p>Palvinder Kaur v. The State of Punjab.</p> <p>[AIR 1952 SC 354]</p> <p><u>(Decided on : 22-10-1952)</u></p>	<p>Palvinder Kaur, was tried for offences alleged under section 302 and 201, of the Indian Penal Code, in connection with the murder of her husband, Jaspal Singh. She was convicted by the Sessions Judge under section 302 and sentenced to transportation for life. No verdict was recorded regarding the charge under section 201, Indian Penal Code.</p> <p>On appeal to the High Court she was acquitted of the charge of murder, but was convicted under section 201, Indian Penal Code, and sentenced to seven years' rigorous imprisonment.</p>	<p>Supreme court ordered acquittal of the appellant upon existence of element of doubt and suspicion over the evidences. It held that life and liberty of persons cannot be put in jeopardy on mere suspicions, howsoever strong, and they can only be deprived of these on the basis of definite proof.</p>

		Hence, her appeal by special leave to the Supreme Court.	
18.	Puran v. The State of Punjab. [AIR 1953 SC 459] <u>(Decided on : 13-11-1952)</u>	Appellant, Puran was tried for the murder of two boys, by administering poison to them. He was acquitted by the Sessions Judge of Hissar but on appeal by the State Government was convicted by the High Court of Punjab and sentenced to death. Hence this appeal by him under Article 134(1)(a) of the Constitution.	Appellant was acquitted. Insufficient materials on record to prove the guilt of the appellant and to falsify the presumption of him being innocent compelled the court to order the acquittal of appellant. The Supreme Court stated that, “We have not been able to see that any compelling or substantial reasons existed for reversing the acquittal order in this case and none has been pointed out by the High Court in its decision. No attempt has been made in the judgment to discuss the evidence of the prosecution witnesses or to explain satisfactorily the discrepancies that were of a material nature and which had been pointed out in those statements by the Sessions Judge in his careful and detailed judgment. We are satisfied that this was not a case for interference with the acquittal order in an appeal under Section 417, Cr.P.C”.

<p>19.</p>	<p>The State of Madhya Pradesh v. Ramkrishna Ganpatrao Limsey and Ors.</p> <p>[AIR 1954 SC 20]</p> <p><u>(Decided on : 19-11-1952)</u></p>	<p>State preferred this appeal by special leave directed against an acquittal order of the High Court of Nagpur in Criminal Appeals Nos. 121, 122 and 123 of 1950, preferred to that Court by the three respondents.. All the three respondents were tried for the murder of one Dattu Patel and were charged with the offences of 302/34 of the Indian Penal code.</p>	<p>Appeal dismissed and it was held that interference with an acquittal order would be justified where High Court acts perversely or improperly or has been deceived by fraud. In present case there is no perversity in the conclusion arrived by High Court on acquittal of accused persons. Hence, interference not justifiable and the appeal is dismissed.</p>
<p>20.</p>	<p>Zwinglee Ariel v. State of Madhya Pradesh.</p> <p>[AIR 1954 SC 15]</p> <p><u>(Decided on : 03-12-1952)</u></p>	<p>Appellant charged for offence under Section 161 for accepting illegal gratification. Appellant acquitted by Session Judge and upon appeal by state, High Court set aside order of acquittal and convicted appellant for offence under Section 161 and sentenced him to nine months of imprisonment. Hence, this appeal has been preferred by the appellant.</p>	<p>Appeal allowed and the appellant was acquitted on an observation that there is absence of satisfactory evidence to prove case against appellant beyond reasonable doubt. Held, Additional Session Judge justified in extending appellant benefit of doubt to appellant.</p>
<p>21.</p>	<p>Sanwat Khan & Another v. State of Rajasthan.</p> <p>[AIR 1956 SC 54]</p> <p><u>(Decided on :- 09-12-1952)</u></p>	<p>The appellants, Sanwat Khan and Kaloo Khan, were convicted by the Sessions Judge of Nagaur for an offence under Section 302, I.P.C. for the murder of one Mahant Ganeshdas and his</p>	<p>Appellant's conviction under Section 302 was set aside and they were convicted under section 380 of the Indian Penal code, and in the light of the term of imprisonment already undergone they were ordered to be released. Supreme</p>

		<p>servant Ganpatia and were sentenced to death. They appealed to the High Court of Judicature for Rajasthan at Jodhpur and their case also came up for confirmation of the sentence under Section 374, Cr. P. C., before that Court. The High Court confirmed the conviction but commuted the sentence of death into one of imprisonment for life. To this extent the appeal of both the accused persons was allowed. This was an appeal by special leave against the above decision of the High Court.</p>	<p>court stated that as per the evidences and findings of the lower court it was not proper to maintain the conviction of the appellants under section 302 of I.P.C in the eyes of law. However, in concern to the alleged offence of theft no element of doubt existed and for the same they were liable to be punished.</p>
<p>22.</p>	<p>Ajmer Singh v. The State of Punjab. [AIR 1953 SC 76] (Decided on :- 10-12-1952)</p>	<p>Appellant, Ajmer Singh, was tried for the offence of murder and was acquitted by the Sessions Judge of Ferozepore. On appeal by the State Government, the order of acquittal was set aside by the High Court and the appellant was convicted under section 304, Indian Penal Code, and sentenced to ten years' rigorous imprisonment. This was an appeal by special leave against that decision.</p>	<p>Appeal dismissed and the order of the High Court was reaffirmed. The findings of the sessions court that the appellant was not present at spot was rejected and it was observed that the only conclusion which comes of available evidence is that appellant inflicted injury to the deceased and thus should be held guilty.</p>

<p>23.</p>	<p>Thakur Prasad v. The State of Madhya Pradesh.</p> <p>[AIR 1954 SC 30]</p> <p><u>(Decided on :- 27-01-1953)</u></p>	<p>Appellant Thakur Prasad along with seven other persons was sent up for trial on a charge under Section 302/149, Penal Code., The Second Additional Sessions Judge, Bilaspur, who tried the case acquitted two of the accused, and found the remaining six accused including the appellant to be guilty of offence under Section 302/149, Penal Code. The appellant Thakur Prasad was sentenced to death subject to confirmation by the High Court and the remaining five to transportation for life. There was an appeal to the High Court of Madhya Pradesh but the appeal was dismissed except to the extent that the death sentence of the appellant Thakur Prasad was reduced to one of transportation for life. All the six accused persons applied to Supreme Court for special leave to appeal under Article 136 of the Constitution of India but leave was granted only to the appellant Thakur Prasad and the application, so</p>	<p>Supreme Court dismissed the appeal and held that, the courts below had come to a definite finding on the evidence that the Appellant was a member of the unlawful assembly and took some part in inflicting injuries on 'N' in prosecution of their common object. Hence, this court cannot go behind the concurrent finding.</p>
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		far as it related to the other five accused persons, was dismissed.	
24.	Mahadev Dhanappa Gunaki and Another v. The State of Bombay. [AIR 1953 SC 179] (Decided on :- 04-02-1953)	Appeal by the two appellants against conviction for offence under Sections 116, 161/34 for offering illegal gratification to Police Inspector of Anti-Corruption Branch for dropping inquiry against them and for return of account books attached by Anti-Corruption Police.	Appeal dismissed and the Supreme Court observed that there were no circumstances so as to interfere with the findings of the High Court. On the plea of reducing the sentence, the Supreme Court stated that after giving the matter our best consideration we do not find any extenuating circumstance which should weigh with us in interfering with the sentence.
25.	Vijendrajit Ayodhya Prasad Goel v. State of Bombay. [AIR 1953 SC 247] (Decided on :- 13-03-1953)	Appeal by appellant V.A.P. Goel against conviction for offence under Sections 66 (b)/81 for possessing rectified spirit without permit for which he was sentenced to three month rigorous imprisonment and fine of Rs.1000. The High Court confirmed the conviction and hence, this appeal was preferred by special leave.	Appeal dismissed by the Supreme Court by which the court rejected the contention that the spirit falls within the category of spirits used for medicinal purposes. It stated that no evidence had been led to show that rectified spirit falls in category of medicinal preparations. Evidence of chemical analyst revealed that rectified spirit found in possession of appellant was ethyl alcohol and thus fell within definition of intoxicant. Rectified spirit clearly falls within the definition of an intoxicant and its possession without permit is prohibited by the provisions of

			Section 66 (b) of the Act. Thus, no reason to interfere with the conviction and sentence.
26.	Mushtak Hussein v. State of Bombay. [AIR 1953 SC 282] <u>(Decided on :- 30-03-1953)</u>	Appellant was convicted on a charge under section 366, Indian Penal Code, for having kidnapped at Poona a minor girl in order that she may be forced or seduced to illicit intercourse and was sentenced to undergo rigorous imprisonment for two years after a trial before the third additional Sessions Judge of that place sitting with a jury of five. The jury returned a verdict of guilty by a majority of three to two. The Sessions Judge came to the conclusion that the verdict was not perverse. He therefore accepted it. The appellant preferred an appeal to the High Court but this was summarily dismissed. This appeal was by special leave	Supreme court acquitted the appellant of all charges on the ground that it seems plain to us that on the material on this record no reasonable body of persons could possibly have arrived at the conclusion that the appellant kidnapped Shilavati as alleged by the prosecution. And thus it observed that deciding the case not on materials, facts, circumstances and findings led to grave miscarriage of justice.

<p>27.</p>	<p>Dalip Singh & Others v. State of Punjab.</p> <p>[AIR 1953 SC 364]...</p> <p><u>(Decided on :- 15-05-1993)</u></p>	<p>Four persons appealed against sentences of death passed upon them in convictions for a double murder, the victims being two brothers. The learned Session Judge convicted three others also but sentenced all, including the four appellants, to transportation for life. The High Court acquitted three of the seven but sustained the convictions of the four appellants and enhanced their sentences in each case to death.</p>	<p>Appeal dismissed and sentence reduced to transportation to life. The Supreme Court stated that -- “On the question of sentence, it would have been necessary for us to interfere in any event because a question of principle is involved. In a case of murder, the death sentence should ordinarily be imposed unless the trying Judge for reasons which should normally be recorded considers it proper to award the lesser penalty. But the discretion is his and if he gives reasons on which a judicial mind could properly found, an appellate court should not interfere. The power to enhance a sentence from transportation to death should very rarely be exercised and only for the strongest possible reasons. It is not enough for an appellate court to say, or think, that if left to itself it would have awarded the greater penalty because the discretion does not belong to the appellate court but to the trial Judge and the only ground on which an appellate court can interfere is that the discretion has been improperly exercised, as for example where no reasons are given and none can be inferred</p>
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			<p>from the circumstances of the case, or where the facts are so gross that no normal judicial mind would have award the lesser penalty. We are unable to hold that the discretion was improperly exercised by the learned Sessions Judge and thus to the extent of sentencing accept the appeal by reducing it to the earlier.”</p>
<p>28.</p>	<p>Nisa Stree v. The State of Orissa.</p> <p>[AIR 1954 SC 279]</p> <p><u>(Decided on :- 24-09-1953)</u></p>	<p>Appellant was convicted by the Additional Sessions Judge of Cuttack under Section 302 of the Indian Penal Code for having murdered one girl of 7 years of age, and also under Section 379 of the Indian Penal Code for having dishonestly removed a pair of gold Naulis from the person of the deceased girl. The Additional Sessions Judge made a reference to the High Court under Section 374 of the Criminal Procedure Code for the confirmation of the sentence of death passed by him for the offence under Section 302, Indian Penal Code. The appellant also appealed before the High Court against her conviction and sentence. The High Court</p>	<p>Appeal dismissed and the Supreme court stated it as an undoubted cold blooded murder out of pure greed and being cogent and convincing, came to the conclusion that the circumstances established against the appellant were not consistent with any rational hypothesis of innocence. All the four assessors agreed with this view of the matter and were unanimously of opinion that the appellant was guilty of both the offences with which she had been charged. The High Court also agreed with this view of the matter and upheld the conviction and sentence passed on the appellant.</p>

		upheld the conviction and sentence and accepted the reference and rejected the appeal. The High Court, however, gave leave to the appellant under Article 134(1) (c) of the Constitution of India to appeal to this Court.	
29.	Nawab Singh v. The State of Uttar Pradesh. [AIR 1954 SC 278] <u>(Decided on :- 28-09-1953)</u>	Appellant was convicted under sections 302 and 364 of the Indian Penal Code and the sentences of death and transportation for life was ordered by the Sessions Judge and the same being affirmed by the High Court. In appeal question for consideration which arose was :-Whether inordinate delay in executing death sentence may be regarded as ground for commuting it ?	The Supreme Court dismissed the appeal and stated that there was no extenuating circumstances whatsoever which would justify ordering a commutation of the death sentence. Howsoever, facts revealed that murder was a cruel and a deliberate one.
30.	Habeeb Mohammad v. The State of Hyderabad. [AIR 1954 SC 51] <u>(Decided on :- 05-10-1953)</u>	Appellant convicted by the Special Judge, Warangal, appointed under Regulation X of 1939-F., under sections 243, 248, 368, 282 and 174 of the Hyderabad Penal Code (corresponding to sections 302,307, 436, 342 and 148, Indian Penal Code) and the respective sentences	Conviction and sentence was set aside by the supreme court on witnessing various irregularities at the trial stage. Material witnesses were not examined by prosecution Character of man being important in explaining his conduct and judging his innocence not being dealt. There was unreasonable delay of six months in investigation

		passed under these section against him. Appellant preferred this appeal by special leave since High court had upheld the conviction.	of case due to which a good deal of material evidence was lost. These irregularities observed by the apex court led to the acquittal of the appellant.
31.	Sadhu Singh Harnam Singh v. The State of Pepsu. [AIR 1954 SC 271] <u>(Decided on :- 08-10-1953)</u>	Appellant Sadhu Singh, preferred appeal from a decision of a Division Bench of the High Court of Patiala by which the sentence of transportation for life was passed against him for the murder of one Harbachan Singh was affirmed.	The Supreme Court stated that – “We allow this appeal, set aside the decision of the courts below and hold the appellant guilty of the offence under Section 304A, I. P. C. In our opinion, the sentence already undergone by him is sufficient to meet the ends of justice and we therefore direct that he be released forthwith. Even if the offence were to be regarded as falling under Section 304, I. P. C., we would not have awarded him a severer punishment than the imprisonment that he has already undergone”.
32.	Surendra Singh & Others v. The State of Uttar Pradesh. [AIR 1954 SC 194] <u>(Decided on :-16-11-1953)</u>	Three appellants were prosecuted for the murder of one Babu Singh. Of these, Surendra Singh alone was convicted of the murder and was sentenced to death. The other two were convicted under section 225, Indian Penal Code. Each was sentenced to three years' rigorous imprisonment and to a fine of Rs. 200. The validity	The appeal was allowed and the order of the High Court which purports to be its judgment was set aside. As it was no longer possible for the Bench which heard the appeal and the confirmation proceedings to deliver a valid judgment the Supreme Court send the case back to the High Court for re-hearing and delivery of a proper judgment.

		of the judgment pronounced by the High Court was in question as it was delivered only after the death of one of the judge. Hence, this appeal.	
33.	Prem Nath v. State of U.P [AIR 1956 SC 4] (Decided on :-17-12-1953)	Appellant was convicted under section 302 of the penal code and was sentenced to death. The High Court of Punjab confirmed his conviction and thus granted certificate to appeal under Article 134(1)(c) of the Constitution. Hence, this appeal was preferred by the appellant against the judgment of the Supreme Court.	Appeal was allowed and the conviction and the sentence of the appellant was set aside with an order for re-trial of the case. It was held that not taking opinion of assessors in respect of charges relating to attempt to murder and possession of unlicensed fire arm had prejudiced the appellant.
34.	Mahadeo Prasad v. The State of West Bengal. [AIR 1954 SC 724] (Decided on :- 13-01-1954)	Appellant was charged for the offence under section 420 of the Indian Penal code and was convicted and sentenced to one year rigorous imprisonment. High court confirmed his conviction and hence the present appeal was being preferred.	Appellant's appeal dismissed and the court observed that the conviction under section 420 of the penal code is justified as the case is devoid of any merit and the conduct of the appellant showed that he had no intention to pay but merely promised to pay cash against delivery in order to induce complainant to part with his goods.

<p>35.</p>	<p>Narayan Tewary v. State of West Bengal.</p> <p>[AIR 1954 SC 726]</p> <p><u>(Decided on :- 13-01-1954)</u></p>	<p>Appellant was charged for criminal breach of trust and was charged for the offence under section 406 of the Indian Penal Code. High court upheld his conviction. Hence, the appellant preferred the present appeal.</p>	<p>Appeal dismissed by the Supreme Court and it was stated that there was no scope of interference with the decision of the High Court confirming the conviction as the prosecution at the trial stage has succeeded in establishing the case against the appellant beyond all reasonable doubt.</p>
<p>36.</p>	<p>Mangleshwari Prasad v. The State of Bihar.</p> <p>[AIR 1954 SC 715]</p> <p><u>(Decided on :- 22-01-1954)</u></p>	<p>Appellant was charged for embezzlement of collections of taxes due to municipality and for forgery of challans and was convicted for the offences under section 406 and 109 of the penal code and was awarded seven years rigorous imprisonment by the Sessions Judge. On appeal the High Court affirmed the conviction and the sentence and hence against such affirmation the present appeal was preferred.</p>	<p>Appeal was dismissed by the apex court and it stated that the prosecution has established beyond all reasonable doubt that either the appellant alone or with aid of somebody committed the forgery. The court rejected the contention of the appellant in which it stated that the appellant's peon was solely involved and committed the alleged offence, on the ground that the peon never knew English language and was not capable to mark challans in English.</p> <p>However, the court reduced the sentence from seven years to that of three years imprisonment and stated that such quantum would be apt to meet the ends of justice as per the gravity of offence committed and it would be not justified to sentence him to the</p>

			maximum limit as prescribed the statute.
37.	Bhagat Ram v. State of Punjab. [AIR 1954 SC 621] <u>(Decided on :- 09-02-1954)</u>	Appellant was convicted by the Magistrate, at two separate trials, one in respect of a charge under section 420 and the other in respect of a charge under section 409 of the Indian Penal Code. The convictions were confirmed by the Sessions Judge on appeal and by the High Court in revision. The charges relates to connected matters and the evidence, though separately recorded, was substantially the same. So these are two appeal by special leave of the same appellant against the common judgment of High Court.	Appeal was allowed and the conviction and the sentence of the appellant was set aside. It was held that offences against the appellant could not be proved beyond reasonable doubt and none of circumstances can be legitimately treated as circumstances which disprove the defense put forward by the appellant.
38.	Ram Das v. State of West Bengal. [AIR 1954 SC 711] <u>(Decided on :-24-02-1954)</u>	Appellant was convicted by the First Class Magistrate, Hoogly for an offence under Section 354, I.P.C. and sentenced to two years' rigorous imprisonment. On appeal the Sessions Judge, Hoogly, confirmed both the	Appellant conviction altered from offence under Section 354 to 352 and sentenced him to three months of imprisonment. Held, act of appellant cannot be held that he did so with the intent to outrage her modesty or with the knowledge that it would be outraged. Also,

		conviction and the sentence, and a revision petition preferred to the High Court was rejected. This matter now comes before Supreme court on special leave under Article 136.	facts reveals that act of appellant was to secure the berth of train and not to outrage the modesty of women.
39.	Ram Bharosey v. State of Uttar Pradesh. [AIR 1954 SC 704] <u>(Decided on :- 25-02-1954)</u>	Appellant was convicted under section 302 of the I.P.C and was sentenced to death. It was also upheld by the High Court and thus the appellant preferred appeal by special leave against the decision of High Court.	The appeal was dismissed and the conviction and sentence were upheld by the Supreme Court and it stated that there were no such evidences present so as to vitiate the findings posing doubt over the appellant's conviction. The case has been established beyond all reasonable doubt.
40.	Kripal and Others v. State of Uttar Pradesh. [AIR 1954 SC 706] <u>(Decided on :- 25-02-1954)</u>	Three appellant charged for offence under Sections 148, 302 and 323/149. Session Judge convicted appellants for offence under Section 304 (1) and Section 323/34 but acquitted appellants for offence under Section 302. On appeal the High Court upheld convictions of appellants and also set aside the acquittal of appellant for the offence under Section 302. Hence, present appeal was preferred against the decision of the High court.	Conviction of appellant No. 1 and 2 for offence under Section 302 was set aside while conviction of appellant No. 3 for offence under section 302 of the penal code was upheld because appellant no. 3 caused the injury resulting into death and there was no common intention to cause death of the victim with respect to other appellants. However, there was intention of beating the victim and to injure him but the nature of the stabbing by the appellant shows that he in due course made his mind to end life of the victim and

			thus his death sentence is totally justified in the eyes of law.
41.	Purshottam Jethanand v. State of Kutch. [AIR 1954 SC 700] <u>(Decided on :- 05-03-1954)</u>	Appellant was convicted of an offence under Section 384, I. P. C. and sentenced to R. I. for 12 months and a fine of Rs. 100/-. This was confirmed by the Sessions Judge on appeal and upheld on revision by the Judicial Commissioner, Kutch.	Appeal dismissed and it was held that all the contentions raised by the learned counsel for the appellant fail and we see no reason to interfere either with the conviction or with the sentence. Also, trial was not vitiated if the statements of prosecution witnesses recorded by police during investigation were not furnished under Section 162.
42.	Gajanand & Others v. State of Uttar Pradesh. [AIR 1954 SC 695] <u>(Decided on :- 18-03-1954)</u>	Appellants were convicted for the offence under Section 147 and Section 324/149 and 323/149, 302/149 of the Indian Penal code. Against the decision of the Allahabad High Court this appeal by special leave was preferred.	Appellants were acquitted against all charges. In the judgment it was stated that appellant cannot be said to have constituted an unlawful assembly as they were engaged in peaceful pursuit of worship and had received more numerous injuries and there are no material to justify that appellants became members of unlawful assembly at any time thereafter.

<p>43.</p>	<p>A.J. Peiris v. State of Madras</p> <p>[AIR 1954 SC 616]</p> <p><u>(Decided on :- 18-03-1954)</u></p>	<p>Appellant was convicted for offence under 120-B and Section 302/109 and was awarded death sentence for committing murder of X in conspiracy with another, against the affirmation by the High Court he preferred this appeal.</p>	<p>Appeal dismissed and in the opinion of the Supreme Court the conviction and the sentence are fully justified. The apex court was of the opinion that a faint attempt was made on behalf of the appellant to challenge the conviction on the merits by contending that the confession was not true or voluntary and that there was no sufficient corroboration by other evidence in the case. This contention involves an investigation into pure questions of fact which we decline to entertain, as we do not think that a finding of fact depending upon the merits or appreciation of the evidence is open to reconsideration in an appeal brought by special leave.</p>
<p>44.</p>	<p>Bihari Singh Madho Singh v. State of Bihar.</p> <p>[AIR 1954 SC 692]</p> <p><u>(Decided on :- 18-03-1954)</u></p>	<p>Appellant charged for murder of his brother and convicted under section 302 of the Indian Penal code and sentenced to death. High Court upheld the judgment of the trial court and hence this appeal to the apex court was preferred.</p>	<p>Acquittal of the appellant ordered by the apex court with an observation that the conviction of the appellant cannot be based upon doubtful evidences and the prosecution failed to establish the case against the appellant beyond reasonable doubt.</p>

<p>45.</p>	<p>Biswabhusan Naik v. The State of Orissa.</p> <p>[AIR 1954 SC 359]</p> <p><u>(Decided on :- 07-04-1954)</u></p>	<p>Appellant was charged under section 5(2) of the Prevention of Corruption Act (II of 1947) for criminal misconduct in the shape of habitually accepting illegal gratification. He was also separately charged and separately prosecuted under section 161 of the Indian Penal Code for three specific offences of bribe taking but we are not concerned here with that as he was acquitted on all three counts. His conviction here is under section 5(2) alone. The trial Court sentenced him to rigorous imprisonment for four years and a fine of Rs. 5,000. The High Court upheld the conviction on appeal but reduced the sentence to two years and a fine of Rs. 3,000. Appeal finally was made to apex court under Article 134 (1) (c) of the constitution.</p>	<p>Appeal dismissed and it was asserted by the apex court that the High court was right in upholding conviction and the appellant in this appeal had failed to establish his innocence and also the facts enumerated show pecuniary resources held by Inspector were far beyond his financial capacity.</p>
<p>46.</p>	<p>Kedar Nath Bajoria & Anthr. v. The State of West Bengal.</p> <p>[AIR 1954 SC 660]</p> <p><u>(Decided on :- 23-04-1954)</u></p>	<p>Appeal against conviction of appellant No. 1 for offence under Section 120-B and appellant No. 2 for offence under Section 420 of IPC and 5 (2) of Act of 1947. Both were convicted and sentenced to</p>	<p>Supreme Court held that, conviction of appellant for offence Section 420 of IPC and 5 (2) of Act of 1947 set aside and conviction for offence under Section 120-B maintained. Also the sentence were modified and the appellant were</p>

		imprisonment and their conviction was upheld by the High Court. Hence, the appeal to the apex court was preferred.	ordered to pay fine of 2500 and 1000 respectively and in default to serve imprisonment of three months.
47.	Nar Singh & Anthr. v. State of Uttar Pradesh. [AIR 1954 SC 457] <u>(Decided on – 05-05-1954)</u>	Twenty-four persons, among them the two appellants, were tried for offences under sections 148, 307/149 and 302/149, Indian Penal Code. Sixteen were acquitted and the remaining eight were convicted. On appeal to the High Court five more were acquitted and the only ones whose convictions were upheld were these two appellants, who preferred this appeal by special leave.	Appeal dismissed and the apex Court observed that the certificate was wrongly granted and it is not a proper case for special leave under Article 136 (1) as convictions are justified as based on clear findings and evidence. Thus it was held, that there is no reason to interfere with sentences and sentences are not severe as compared to alleged offences and calls for no review.
48.	Moti Das & Othrs. v. State of Bihar. [AIR 1954 SC 657] <u>(Decided on – 06-05-1954)</u>	Appellants are six in number. Five of them have been convicted under Section 147, I. P. C. and sentenced to one year's rigorous imprisonment each. The sixth, Misri Das, was convicted under Sections 148 and 324, I. P. C. and sentenced to fifteen months' rigorous imprisonment under the former. No separate sentence was imposed under Section 324. Appellants charged for forming unlawful	Appeal dismissed and held that "We do not think prejudice is possible in this case. The First Information Report sets out the facts in detail. They are simple. There are only six accused and a few prosecution witnesses who have told their story shortly and concisely. Nobody could have been misled by the omission to set out the two objects of the assembly in separate paragraphs. We therefore uphold the convictions under Section 147, I. P. C. and the

		assembly with the intention to steal paddy and assault X in the course of transaction of stealing - High Court acquitted appellant of dacoity charge and appeal was preferred against other charges.	conviction of Misri Das under Section 148. He was armed with a spear and used it, so his case falls squarely under that section once it is conceded that the assembly was unlawful and hence the sentence and the conviction does not need any interference”.
49.	Aftab Ahmad Khan v. The State of Hyderabad. [AIR 1954 SC 436] (Decided on :- 06-05-1954)	The appellant was tried and convicted by the Special Judge, Warangal, for various offences under the Hyderabad Panel Code. These correspond to section 302, 307, 347 and 384 of the Indian Penal Code, the sentences awarded under the first two sections respectively being death and life imprisonment, and separate sentences of two years' rigorous imprisonment under the latter two. High court affirmed the conviction and sentence and hence, the appeal by special leave was made.	Death sentence was reduced to transportation for life and all sentences were ordered to run concurrently and it was stated that the appellant was not able to substantiate his contention of not having being given a fair trial so appeal cannot be allowed on whole.
50.	Madan Mohan Singh v. The State of Uttar Pradesh. [AIR 1954 SC 637] (Decided on :- 06-05-1954)	Appellant was convicted under Section 161 of the Indian Penal Code and was sentenced to rigorous imprisonment for a term of 18 months by the High Court which reversed the acquittal	Appellant acquitted and the apex court observed that the High Court's approach to the case has been wrong from the start. It did not apply the principles stated above which it was incumbent upon it to keep in mind when

		order of the trial court. Hence, this appeal preferred by the appellant by special leave.	dealing with a judgment of acquittal. The reasons given by it to overrule the estimate of evidence made by the trial court which heard and recorded it are in our opinion altogether inadequate and flimsy.
51.	Chamru Budhwa v. State of Madhya Pradesh. [AIR 1954 SC 652] <u>(Decided on :- 25-05-1954)</u>	Appellant convicted under section 302 of the penal code and sentenced to transportation for life. This appeal by special leave was preferred by the appellant with the question before the supreme court that whether his offence came under 302 of the penal code or under 304 of the penal code.	Appeal was allowed and the sentence of transportation for life was reduced to seven years rigorous imprisonment as the offence came under the purview of section of 304 of the penal code and not under 302 of the penal code and such sentence of transportation was not justified in the eyes of law.
52.	Marachalil Pakku & Another v. State of Madras. [AIR 1954 SC 648] <u>(Decided on :- 25-05-1954)</u>	Appellants were convicted under section 302 of the penal code and sentenced to death. The conviction and sentence were confirmed by the High court. Hence, the present appeal was preferred.	Appeal dismissed and the apex court stated that in this case there can be no doubt whatsoever that the two appellants along with five others came with the purpose and with the common object of putting an end to the life of Kannan. That being so, the conviction of appellants 1 and 2 for murder under Section 302 read with Section 149 is fully justified. We do not think that there has been any mis-joinder of charges in this case. But even if it be so, that mis-

			joinder has not caused any prejudice in the case.
53.	<p>S.A.A. Biyabani v. State of Madras.</p> <p>[AIR 1954 SC 645]</p> <p><u>(Decided on :- 28-05-1954)</u></p>	Appellant has appealed by special leave against the judgment of the High Court of Madras which reversed the acquittal of the appellant and convicted him under Section 44 of the Madras District Police Act.	Appellant acquitted and the Supreme court observed that the judgment of the High Court discloses no adequate reason for the reversal of the acquittal with reference to the standards laid down by this Court. The appellant was entitled to the benefit of doubt and the acquittal should not have been set aside.
54.	<p>Inder Singh Bagga Singh v. State of Pepsu.</p> <p>[AIR 1955 SC 439]</p> <p><u>(Decided on :- 06-08-1954)</u></p>	Appellant convicted under section 302 of the Indian penal code and sentenced to transportation for life and his conviction was confirmed by the High Court. Hence this appeal by special leave was made to the apex court.	Appellant's conviction under 302 of the penal code converted into conviction under 304 part I and the sentence was eventually reduced to 10 years rigorous imprisonment. The ground for such conversion as stated by the apex court was that the injuries made by the appellant was not sufficient in ordinary course of nature to cause death as the deceased survived for three weeks and then died.
55.	<p>Kapur Singh v. State of Pepsu.</p> <p>[AIR 1956 SC 654]</p> <p><u>(Decided on :- 15-09-1954)</u></p>	Appellant convicted under section 302 of the Indian penal code and sentenced to death and his conviction was confirmed by the High Court. Hence this appeal by special	Conviction of the appellant altered from one under section 302 to that under section 304 part 1 of the penal code and the sentence of death was reduced into sentence for transportation for life. The

		leave was made to the apex court.	court deemed such conversion justified in the eyes of law as per the facts and circumstances and the nature of the offence committed.
56.	Kunjilal & Another v. State of Madhya Pradesh. [AIR 1955 SC 280] <u>(Decided on :- 08-10-1954)</u>	Appellants were convicted for the offence under section 392 and section 332, Indian Penal Code. They were sentenced under the former to 1 year's rigorous imprisonment and under the latter to a fine of Rs. 500 each. Their convictions were upheld on appeal but Kunjilal's sentence was reduced to six months R.I. and Rs. 350 fine, while Deopal was bound over under section 562 of the Code of Criminal Procedure and the sentence of imprisonment was set aside. His fine was reduced under section 332, Indian Penal Code, to Rs. 250. They carried the matter further in revision to High Court but it was dismissed. Appeal filed under Article 136 of the constitution	Appeal dismissed and the conviction and the sentence upheld. The contention of the appellant was found baseless and without any merit and provided no scope for interference in the matter as per the evidences and findings of the trial court.

<p>57.</p>	<p>Mahesh Prasad v. State of Uttar Pradesh.</p> <p>[AIR 1955 SC 70]</p> <p><u>(Decided on :- 29-10-1954)</u></p>	<p>Appellant convicted under section 161 of the Indian Penal Code and sentenced to rigorous imprisonment for one year and nine months, and also to a fine of Rs. 200. The conviction and sentence had been upheld by the Sessions Judge on appeal and by the High Court in revision. Hence, this appeal was made to the apex court.</p>	<p>Appeal dismissed as the court observed that all the contentions raised before it were untenable and stated that, “it has been represented to us that the appellant who has been refused bail by this court when leave to appeal was granted but has been granted bail subsequently has already served nearly six months of imprisonment in the intervening period, that he is a young man and has lost his job. In the circumstances we consider that it is not necessary to send him back to jail. The result, therefore, is that the appeal is dismissed subject to the modification of sentence of imprisonment. We reduce the sentence of imprisonment to the period already undergone. The sentence of fine stands”.</p>
<p>58.</p>	<p>Ramjanam Singh v. The State of Bihar.</p> <p>[AIR 1956 SC 643]</p> <p><u>(Decided on :- 02-11-1954)</u></p>	<p>Appellant Ramjanam Singh was prosecuted under Section 161, Penal Code, read with Section 5, Prevention of Corruption Act, 1947, for having accepted a bribe. He was acquitted by the trying Magistrate but was convicted by the High Court on an appeal against the acquittal and was sentenced to one</p>	<p>Conviction and the sentence was set aside. The Supreme Court stated that in our opinion, the reasons given by the High Court are not enough to justify the setting aside of the acquittal. The strong presumption of innocence and the doubts which the numerous circumstances to which we have adverted and which are given in greater detail in the first</p>

		<p>year's rigorous imprisonment. He was given special leave to appeal by this Court.</p>	<p>Court raise have not been displaced.</p>
59.	<p>Edward Ezra & Another v. State of West Bengal.</p> <p>[AIR 1955 SC 155]</p> <p><u>(Decided on :- 30-11-1954)</u></p>	<p>The two appellants were convicted for offence under section 72 of the Government of India Act, 1935, on charges of bribery as also of conspiracy under section 120B of the Indian Penal Code, read with section 420 of the Code which was later on replaced by section 409. The trial ended in conviction of all the accused, though not on all the charges brought against them and the Tribunal sentenced them to various terms of imprisonment and fine. High Court directed retrial and rejected the quashing petition of the appellants. Hence this appeal.</p>	<p>Conviction and sentence set aside and direction was issued for retrial of the accused by a competent Court and further it was held, that only court competent to try these cases would be the Special Court under Act 12 of 1952.</p>
60.	<p>Pandurang, Tukia and Bhillia v. The State of Hyderabad.</p> <p>[AIR 1955 SC 216]</p> <p><u>(Decided on :- 03-12-1954)</u></p>	<p>Five persons, including the three appellants, were prosecuted for the murder of one person. Each was convicted and each was sentenced to death under section 302 of the Indian Penal Code. Leave was</p>	<p>Conviction of one of the appellant was changed from that under 302 to that under 326 of the penal code and was sentenced to 10 years rigorous imprisonment and for the other two the sentence of death was reduced and converted into sentence of transportation for life</p>

		refused by the High court to those whose sentenced was reduced to life imprisonment, hence the appeal by leave only by those sentenced to death.	because the court was of the opinion that for awarding death sentence the judges must have a concur opinion and there should not be any difference in opinion.
61.	Shreekantiah Ramayya Munipalli v. The State of Bombay. [AIR 1955 SC 287] <u>(Decided on :- 22-12-1954)</u>	Both the appellants were found guilty of the offence under section 409 and 34 of the Indian Penal code and were sentenced to one year and two year imprisonment with fine of 500 each and three to four months imprisonment in case of default. Appeal preferred against the decision of the High court.	The apex court ordered the retrial and quashed the sentence and conviction and took notice of the sentence already been served by the appellant no.1 and thus in his case ordered refund of fine , if any only upon retrial of the case and thus second appellant was put forth for retrial.
62.	Nanak Chand v. The State of Punjab. [AIR 1955 SC 274] <u>(Decided on :- 25-01-1955)</u>	Appellant convicted under section 302 of the Indian penal code and sentenced to death and his conviction was confirmed by the High Court. Hence this appeal by special leave was made to the apex court.	Appeal was accordingly allowed and the conviction and the sentence of the appellant was set aside and the case of the appellant was remanded to the court of Sessions at Jullundur for retrial after framing a charge under section 302 of the Indian Penal Code and in accordance with law. The court stated the reason as it is difficult to hold in the circumstances of the present case that the appellant was not prejudiced by the non-framing of a charge under section 302, Indian Penal Code.

<p>63.</p>	<p>Rishideo Pande v. The State of Uttar Pradesh.</p> <p>[AIR 1955 SC 331]</p> <p><u>(Decided on :- 03-02-1955)</u></p>	<p>Appellant and his brother were convicted by Session Judge for the offence under Section 302, 34 of the penal code and sentenced to death for murder of X. Their appeal was dismissed by the High Court. Hence, present appeal.</p>	<p>Appeal dismissed and the sentence and conviction of the appellant upheld and it was observed that there was no misapplication of Section 34 as murder was caused in furtherance of common intention.</p>
<p>64.</p>	<p>Ram Narain v. State of Punjab.</p> <p>[AIR 1955 SC 322]</p> <p><u>(Decided on :- 11-02-1955)</u></p>	<p>Appellant charged for offence under Sections 467 and 471 for fraudulently and dishonestly using a forged document as genuine or had reasons to believe at the time he used it to be a forged document. The trial Magistrate convicted the appellant for the offence and sentenced him to 4 ½ years of rigorous imprisonment. His conviction was confirmed by High Court. Hence, present appeal.</p>	<p>While maintaining the conviction of the appellant for the charge under Section 467 read with Section 471 of the Penal Code and the sentence of 4^{1/2} years' rigorous imprisonment imposed upon him by both the Courts below the supreme court set aside the sentence of fine imposed upon him by the High Court and the sentence of rigorous imprisonment in default of payment thereof.</p>
<p>65.</p>	<p>Sm. Ram Devi v. State of Uttar Pradesh.</p> <p>[AIR 1955 SC 574]</p> <p><u>(Decided on :- 22-02-1955)</u></p>	<p>Appellant was convicted under Section 366 Penal Code and was sentenced to 3 years' rigorous imprisonment. High court confirmed his conviction and this appeal was made by appellant upon special leave.</p>	<p>Appellant acquitted and the supreme court was of the opinion that both the Courts below were in error in convicting the appellant of the offence under Section 366, Penal Code. We accordingly set aside her conviction and the sentence on the ground that there were no clear evidences depicting</p>

			clear involvement of the appellant in the offence committed.
66.	Amrik Singh v. The State of Pepsu. [AIR 1955 SC 309] <u>(Decided on :- 28-02-1955)</u>	Appellant was acquitted by the trial court but the High Court convicted him for the offence under section 409 and 465 of Indian Penal code and against the conviction this appeal was made to the apex court.	Appeal allowed and the conviction and sentence of the appellant set aside and it was observed that the acts with which the appellant is charged fall within the scope of his duties, and can be justified by him as done by virtue of his office. Clearly, therefore, sanction was required under section 197(1) of the Code of Criminal Procedure before the appellant could be prosecuted under section 409, and the absence of such sanction is fatal to the maintainability of the prosecution. The conviction should, therefore, be quashed.
67.	Suraj Pal v. The State of Uttar Pradesh. [AIR 1955 SC 419] <u>(Decided on :- 01-03-1955)</u>	The sole appellant before the apex court had been convicted by the Sessions Court under a sections 148, 307 and 302 of the Indian Penal Code, and sentenced to rigorous imprisonment for two and a half years under section 148, to transportation for life under section 307, and to death under section 302. These convictions and	The convictions of the appellant under sections 307 and 302 of the Indian Penal Code and the sentences were set aside. But his conviction under section 148 of the Indian Penal Code was maintained and also the sentence of two years and a half in respect thereof. The court did not order retrial of this case as it was convinced that in the interest of justice the same was not required. It was held that where a

		sentences have been confirmed by the High Court.	person had been charged along with others under Sections 302 and 307 of the Indian Penal Code, 1860 each, only as read with Section 149 of the Code, his convictions and sentences for the substantial offences under Sections 302 and 307 of the Code was erroneous.
68.	Dhirendra Nath Mitra and Anr. v. Mukanda Lal Sen. [AIR1955 SC 584] <u>(Decided on :- 01-03-1955)</u>	Appellants were initially acquitted by the trial court but were later on appeal convicted for offences under section 448, 427, 380, 166 and 114 of the penal code, and hence this appeal was made to this apex court.	Appellants acquitted and the decision of the trial magistrate was ordered to be restored. It was held, High Court had not adverted to any of the factors which must be present before interference was called for. Also, the supreme court observed that the High Court did not provide reason upon its consideration of evidences as against one of them and in favor of the other.
69.	Dasrath Gond & Others v. The State of Orissa. [AIR 1955 SC 583] <u>(Decided on :- 15-03-1955)</u>	Appellants convicted for offence under Section 302 for murder of X. All appellants were sentenced to three years of rigorous imprisonment. On appeal High Court enhanced sentence to seven years of rigorous imprisonment on the ground that the alleged act constituted murder. Hence, present appeal was preferred	Appeal dismissed and the conviction and the sentence of the appellant as confirmed by the High court were upheld due to the reason that facts revealed that X was brutally murdered in a fit of superstition and the circumstance in which this attack was made called for a deterrent sentence. Thus no need was felt to interfere with the sentence awarded by High Court which shows that in

		and was limited to the question of sentence only.	enhancing the sentences the learned Judges were mainly influenced by their view of the facts that the offence committed by the appellants before them in fact constituted murder under Section 302 I. P. C. and not merely grievous hurt under Section 325, I.P.C.
70.	Ram Shankar Singh & Others v. The State of Uttar Pradesh [AIR 1956 SC 441] <u>(Decided on :- 19-04-1955)</u>	Appellants convicted for offence of dacoity under Section 395 of the penal code and sentenced to seven years of rigorous imprisonment. On appeal High Court maintained conviction of appellants but acquitted three others accused. Hence, appellant preferred appeal to this apex court.	<p>The conviction and the sentence of the appellants was set aside by the supreme court.</p> <p>In the opinion of the Supreme court there was no sufficient reasons for differentiating the case of the appellants from that of the other accused who were acquitted by the High Court. High Court failed to see if there was enough evidence to convict the appellants. Also, the Supreme Court observed that it is not a fit case for retrial as appellants had already been in jail for three years period as sentence which was enough for offence under 392.</p>
71.	Mohinder Singh v. The State of Punjab. [AIR 1955 SC 762] <u>(Decided on :- 13-09-1955)</u>	Appellant convicted under section 302 of the Indian penal code and sentenced to death and his conviction was confirmed by the High Court. Hence this appeal by special	Appellant acquitted as in the opinion of the supreme court the evidences produced did not effectively proved the guilt of the appellant. Evidences of witnesses were not justified to result into the conviction of the appellant and

		leave was made to the apex court.	hence forth he was ordered to be released to liberty.
72.	Atley v. The State of Uttar Pradesh. [AIR 1955 SC 807] <u>(Decided on :- 16-09-1955)</u>	Appellant initially acquitted by the trial court but upon appeal by the State, the High Court convicted him for the offence under section 302 of the Indian Penal code and sentenced him to transportation for life.	Appeal dismissed with an observation that there is no ground for interference with the conviction of the High Court. Also, the circumstances too indicate that beyond any reasonable doubt the appellant was truly responsible in the murder of the victim.
73.	Prabhuji Babaji Navle v. The State of Bombay. [AIR 1956 SC 51] <u>(Decided on :- 19-09-1955)</u>	Appellant charged for offence of murder. The Session Judge convicted appellant and his two sons for the offence under Section 302/34 for the offence of murder but on appeal High Court upheld the conviction of appellant and set aside conviction of his sons. Hence, present appeal was preferred by the appellant against the judgment of the High Court.	The appeal was allowed. The conviction and sentence were set aside and the appellant was acquitted of the charge made against him. Evidences not capable to prove the guilt beyond all reasonable doubt and there was no evidence to show that there was prior consensus as required under Section 34. Thus it was held, that the conviction cannot stand without the aid of Section 34 and thus liable to be set aside.

<p>74.</p>	<p>Nathu v. State of Uttar Pradesh.</p> <p>[AIR 1956 SC 56]</p> <p><u>(Decided on :- 21-09-1955)</u></p>	<p>Appellant convicted under section 302 of the Indian penal code on basis of the confession made by the co accused and sentenced to death and his conviction was confirmed by the High Court. Hence this appeal by special leave was made to the apex court</p>	<p>Conviction and sentence were set aside by the Supreme Court on the ground that there were no reliable evidence upon which the conviction can be made. The only confession of the co-accused cannot be relied upon to inflict such severe punishment. Also, the confession cannot be acted upon because it is not considered as voluntary confession as per the law and has significantly low evidentiary value.</p>
<p>75.</p>	<p>Narayanan Nair Raghavan Nair v. The State of Travancore – Cochin.</p> <p>[AIR 1956 SC 99]</p> <p><u>(Decided on :- 26-09-1955)</u></p>	<p>Appellant convicted under section 302 of the Indian Penal code and sentenced to death. Sentence and conviction was confirmed by the High Court. Hence, this present appeal was preferred by the appellant.</p>	<p>Appeal dismissed with reducing the sentence from death to transportation for life on the ground that there was no premeditation and the act was committed in sudden fit of anger and thus the sentence of death is not proper sentence for this case under the present facts, circumstances and evidences on record.</p>
<p>76.</p>	<p>Machander v. State of Hyderabad.</p> <p>[AIR 1955 SC 792]</p> <p><u>(Decided on :- 27-09-1955)</u></p>	<p>Appellant convicted under section 302 of the Indian Penal code and sentenced to death. Sentence and conviction was confirmed by the High Court. Hence, this present appeal was preferred by the appellant</p>	<p>Appellant was acquitted. It was held that the failure of the Court in the case was not merely technical and retrial of the case would be unjust to the accused. Thus the order of conviction and the sentence passed against the accused was set aside.</p>

<p>77.</p>	<p>Deonandan Mishra v. The State of Bihar.</p> <p>[AIR 1955 SC 801]</p> <p><u>(Decided on :- 28-09-1955)</u></p>	<p>Appellant convicted for murder of his wife under section 302 of the Indian penal code and was sentenced to transportation for life. High Court confirmed his sentence and thus appeal by special leave to the Supreme Court.</p>	<p>Appeal was dismissed and the sentence was upheld. The explanations offered by accused were not satisfactory and lacked merit. Also various links were established and the Supreme Court held that, accused should be convicted as circumstances point towards him as probable assailant with reasonable definiteness.</p>
<p>78.</p>	<p>Bed Raj v. State of Uttar Pradesh.</p> <p>[AIR 1955 SC 801]</p> <p><u>(Decided on :- 27-09-1955)</u></p>	<p>Appellant convicted of offence under section 304 of the Indian penal code and was sentenced to three years of rigorous imprisonment and thus he moved High Court where his appeal was dismissed and the sentence was enhanced to ten years rigorous imprisonment. Thus appeal was preferred to the apex court on the issue of enhancement of sentence whether justified in the eyes of law ?</p>	<p>Appeal was allowed and the enhancement of sentence was regarded as unjustified in the eyes of law and as such the sentence of the session's judge was restored.</p> <p>The Apex court stated that, "In a matter of enhancement there should not be interference when the sentence passed imposes substantial punishment. Interference is only called for when it is manifestly inadequate. In our opinion, these principles have not been observed. It is impossible to hold in the circumstances described that the Sessions Judge did not impose a substantial sentence, and no adequate reason has been assigned by the learned High Court Judges for considering the sentence manifestly inadequate".</p>

<p>79.</p>	<p>Rawalpenta Venkalu & Another v. State of Hyderabad.</p> <p>[AIR 1956 SC 171]</p> <p><u>(Decided on :- 07-10-1955)</u></p>	<p>The two appellants were convicted under section 302 of the Indian Penal code and sentenced to death. Sentence and conviction was confirmed by the High Court. Hence, this present appeal was preferred by the appellants.</p>	<p>Appeal dismissed and the sentence and conviction by the High court was upheld. The circumstances disclosed in the evidence further pointed to the conclusion that the offence was committed after a pre-concerted plan to set fire to the cottage after the man had as usual occupied the room and had gone to sleep. There was no doubt therefore that on the evidence led by the prosecution in this case the charge of murder has been brought home against both the Appellants and that in the circumstances there is no question but that they deserve the extreme penalty of the law.</p>
<p>80.</p>	<p>Mathurala Addy Reddy v. The State of Hyderabad.</p> <p>[AIR 1956 SC 177]</p> <p><u>(Decided on :- 07-10-1955)</u></p>	<p>Appellant convicted under Section 302 of the Indian Penal Code and the death sentence of the appellant for having committed the murder of one Rami Reddy. He was also convicted under Section 307, Indian Penal Code for having attempted to murder P. W. 2, Venkata Reddy, and sentenced to seven years' rigorous imprisonment. High Court confirmed his conviction and sentence and hence this appeal by special</p>	<p>Appeal dismissed. It was observed that the High Court while confirming the sentence of death has recommended that the Government might commute the sentence to one of transportation for life. We have not been informed whether that has been carried out or not and no argument has been advanced to us on the question of sentence. Nothing that we have said in our judgment is intended or meant to weaken the recommendation of the High Court in this behalf.</p>

		leave was made to Supreme Court.	
81.	Topandas v. State of Bombay [AIR 1956 SC 33] <u>(Decided on :- 14-10-1955)</u>	Appellant was convicted and sentenced for the offence under section 420, 465, 471 and 120 B of the Indian Penal code and was sentenced to various terms to run concurrently. Against High Court confirmation of the conviction this appeal to apex court was preferred.	Appellant was acquitted with respect to his conviction and sentence under section 120 B of the penal code and same was connoted as illegal but with respect to other charges, the apex court declined to interfere with an observation that the High Court has rightly convicted the appellant for the rest of the offences and hence no scope for interference with them has been left out.
82.	Baladin & Others v. State of Uttar Pradesh. [AIR 1956 SC 181] <u>(Decided on :- 18-10-1955)</u>	Appeal being made by the first appellant along with other accused against the judgment of the High court in which it affirmed his convictions and sentences under Sections 148, 452, 302/149 and 201/149, Indian Penal Code and accepted the reference, by confirming the sentence of death passed against him in respect of the charge under Section 302/149.	Appeal of some of the appellants was allowed and they were acquitted due to benefit of doubt but where the prosecution succeeded in proving the case beyond any doubt the apex court with respect to those appellant dismissed the appeal and upheld the conviction and sentence admitting no scope of interference.

<p>83.</p>	<p>Abdul Sattar v. The State of Mysore.</p>	<p>Appellant charged for offence of murder punishable under Section 302. Appellant was acquitted by Session Judge on ground that prosecution evidence was too insufficient to base a conviction. On appeal, High Court set aside acquittal and convicted appellant for offence under Section 302 and inflicted him with the punishment of transportation of life. Hence, present appeal was preferred.</p>	<p>Appeal dismissed and it was observed by the apex court that appellant was seen with several disinterested witnesses at the time and place of incident and then immediately after the incident was seen running from the spot and did not make appearance for three months. Dying declaration corroborated by eye witnesses. Held, High Court justified in setting side Order of acquittal.</p>
<p>84.</p>	<p>Gurcharan Singh & Another v. State of Punjab.</p> <p>[AIR 1956 SC 460]</p> <p><u>[Decided on :- 02-11-1955]</u></p>	<p>Two appellants in this case who had been convicted and sentenced to transportation for life under section 302 of the penal code and their sentences had been upheld by the High court, hence, they have made this appeal before the Supreme Court.</p>	<p>Appeal dismissed with an observation that there were ample material on record to suffice that the appellants had motive as well intention to commit the alleged offence and by the version of witnesses and the findings of the trial court, there is no scope of interference with the sentence and conviction.</p>
<p>85.</p>	<p>Chhutanni v. State of Uttar Pradesh.</p> <p>[AIR 1956 SC 407]</p> <p><u>[Decided on :- 03-11-1955]</u></p>	<p>Appeal against conviction for offence under Section 302/34 Appellant was charged for offence under Section 302 for the offence of murder of his wife and cousin. Presence of strong evidences led to confirmation of the conviction</p>	<p>Appeal dismissed and it was observed that there was presence of strong motive for the appellant to commit murder. Deceased was found dead soon after going with appellant. Appellant failed to explain as to what happened to his companion with whom he got out in the evening. Also, blood stained</p>

		and sentence by the High Court.	weapon recovered from the house of appellant and thus it was held, that there was no reason to interfere with the decision of High Court.
86.	Pritam Singh & Another v. State of Punjab. [AIR 1956 SC 415] <u>(Decided on :- 04-11-1955)</u>	Appellants charged for committing murder of two persons in furtherance of common intention - Convicted by Session Judge. Appeal dismissed by High Court. Hence, present appeal to the apex court.	Appeal dismissed. The Supreme court stated that the High Court was quite correct in the summary of the evidence against each of them and in holding that the prosecution had succeeded in establishing the guilt of the accused in regard to the offences with which they had been charged.
87.	Kacheru Singh & Othrs. .v. State of Uttar Pradesh. [AIR 1956 SC 546] <u>(Decided on :- 10-11-1955)</u>	Appellants were charged for offence under Sections 148, 323 and 326/149 and convicted for the aforesaid charges. Conviction was maintained by Second Additional Judge. On appeal High Court held that conviction under Section 148 or Sections 323 and 326/149 could not be maintained as ingredients to establish an existence of unlawful assembly was absent. Thus, High Court upheld convictions for offence under Sections 323 and 326/34. Hence, present appeal was filed.	Appeal dismissed and it was held that there is nothing exceptional to show that there has been miscarriage of justice by the High Court judges. Whatever doubts there might have been about the participation of other persons in the occurrence, the participation of the appellants in the occurrence was proved beyond reasonable doubt.

<p>88.</p>	<p>Tilkeshwar Singh & Others v. State of Bihar.</p> <p>[AIR 1956 SC 238]</p> <p><u>(Decided on :- 08-12-1955)</u></p>	<p>The appellants were convicted under section 302 read with section 34, and were sentenced to transportation for life. The Session Judge also convicted some under section 147 and the others under section 148, but imposed no separate sentence under those sections. The appellants took the matter in appeal to the High Court of Patna. The learned Judges agreed with the Sessions Judge in his conclusions of fact, but altered the conviction from one under section 302 read with section 34 to one under section 326 read with section 149, and the sentence from transportation for life to various terms of imprisonment</p>	<p>Appeal dismissed and it was held that the joint recording of the statements of witnesses was against the provisions of Section 161(3) of CCP. However, the Court could decide on the reliability of such testimony. Further, the Court had the power to substitute the charge made under Section 149 of IPC to that under Section 34 of IPC and the filing of statement by the accused instead of his examination could not be challenged unless he was shown to be prejudiced by that.</p>
<p>89.</p>	<p>K.C.Mathews & Others v. State of Travancore - Cochin</p> <p>[AIR 1956 SC 241]</p> <p><u>(Decided on :- 15-12-1955)</u></p>	<p>Appellants were convicted and sentenced to transportation for life under section 302 read with 149 of the penal code by the High Court on appeal of state against their acquittal. Hence, this present appeal was preferred by the appellants to the Supreme Court.</p>	<p>Appeal dismissed but also allowed to the extent that the sentence should run concurrently and not consecutively. The guilt was proved beyond any element of doubt and thus there was no scope for interference with the decision of the High Court.</p>

<p>90.</p>	<p>Wasim Khan v. The State of Uttar Pradesh.</p> <p>[AIR 1956 SC 256]</p> <p><u>(Decided on :- 12-03-1955)</u></p>	<p>Appellant was sentenced to death for the murder of one Ram Dularey. He was also sentenced to seven years' rigorous imprisonment for having robbed the murdered man of his goods. High Court confirmed his conviction and sentence.</p>	<p>Appeal dismissed. The Supreme court stated that having regard to what is established in the case and the principles deducible from the cases cited, we are satisfied that the appellant has been rightly convicted of the offences of murder and robbery.</p>
<p>91.</p>	<p>Sukha & Others v. The State of Rajasthan.</p> <p>[AIR 1956 SC 513]</p> <p><u>(Decided on :- 05-04-1956)</u></p>	<p>Appellants (nine persons) were convicted and sentenced to lesser sentence of transportation for life for offence under section 302 and 149 of the Indian penal code by the High Court which reversed the acquittal order of the session court upon state's appeal against their acquittal. Hence, this appeal was preferred by the appellants.</p>	<p>Appeal dismissed with an observation that the evidences on record prove the involvement of the appellants in the alleged incident beyond elements of any sort of doubt. Hence, the High Court was correct in its view convicting and sentencing the appellants under section 302 and 149 of the penal code.</p>
<p>92.</p>	<p>Kapil Deo Singh v. The King</p> <p>[1950 SuppSCR 144]</p> <p><u>(Decided on :- 24-01-1950)</u></p>	<p>Appellant was convicted for the offence under section 147 of the Indian penal code and was sentenced to five years rigorous imprisonment. High Court confirmed his conviction and sentence and thus he preferred this present appeal.</p>	<p>Case remanded to High Court for rehearing with setting aside conviction and sentence by the Supreme Court. Principle regarding exercise of criminal jurisdiction was observed and stated that this court is no longer bound by the Privy Council practice and can leave to appeal where clear departure from requirements of justice has been done.</p>

<p>93.</p>	<p>Prandas v. State. [AIR 1954 SC 36] <u>(Decided on :- 14-03-1950)</u></p>	<p>Appellant was earlier acquitted by the Sessions Court but was upon appeal of state convicted by the High Court under section 302 and 323 of the penal code and sentenced to transportation for life and three months of rigorous imprisonment. Hence this appeal was made by special leave by the appellant against the order of High Court.</p>	<p>Based upon the findings of the trial court and circumstances of the cases, the apex court altered the punishment from Sec.302 to that under Sec.304 of I.P.C and allowed the benefit of exception 4 of Sec. 300 of I.P.C to the appellant. The Supreme Court stated that the view of High Court that Appellant was not entitled to benefit of exception 4 to Section 300 of I.P.C. could not be sustained, and conviction under Section 302 could not stand. Hence, conviction of Appellant was altered to one under Section 304, and conviction under Section 323 of I.P.C. would stand.</p>
<p>94.</p>	<p>Lakhi Narayan Das & Others v. The Province of Bihar. [[1950] SuppSCR 102] <u>(Decided on :- 30-03-1950)</u></p>	<p>Sixteen appeals arise out of as many applications presented by the different appellants under section 491 of the Criminal Procedure Code, complaining of illegal detention under section 2 (1) (a) of the Bihar Maintenance of Public Order Ordinance, 1949</p>	<p>Appeal dismissed as the court declined to enter into questions of facts. Interpretation of the terms “ Preventive Detention” was done and other related provisions were interpreted.</p>
<p>95.</p>	<p>Dr. Babu Ram Saksena v. The State. [AIR 1950 SC 155] <u>(Decided on :- 05-05-1950)</u></p>	<p>An appeal by special leave from an order of the High Court at Allahabad dismissing an application under sections 491 and 561-A of the Code of Criminal</p>	<p>Principle of reciprocity was not applied in this matter as it could no longer be insisted upon whether the criminal be a British subject or not. If he has broken the laws of a foreign country his liability to be</p>

		Procedure for release of the appellant who was arrested in pursuance of an extradition warrant issued by the Regional Commissioner of the United State of Rajasthan who is the principal officer representing the Crown in the territory of that State.	tried by them ought not to depend upon his nationality. The convenience of trying crimes in the country where they were committed is obvious.
96.	Pritam Singh v. The State. [AIR 1950 SC 169] <u>(Decided on :- 05-05-1950)</u>	High Court upheld the sentence of death of the appellant for his conviction under section 302 of the penal code by the Sessions Judge and thus this appeal was preferred by the appellant.	Appeal dismissed with an observation that there is no scope of interference with the sentence and conviction affirmed by the High Court and as it appears there has been no miscarriage of justice in this matter. Also, interpretation of Article 136 of the Constitution was done and its scope was examined.
97.	Joylal Agarwala v. The State. [AIR 1951 SC 484] <u>(Decided on :- 04-10-1951)</u>	Two Criminal appeal from conviction of the appellant by the High Court at Calcutta for offences under Essential Supplies Act for selling textiles at rates higher than controlled prices.	Appeal dismissed and the sentence and the conviction upheld with an observation that the High Court was right in convicting the appellant as per the circumstances, findings and facts.
98.	The State of West Bengal v. Anwar Ali Sarkar. [AIR 1952 SC 75] <u>(Decided on :- 11-01-1952)</u>	An appeal by the State of West Bengal from a judgment of a Full Bench of the High Court of Judicature at Calcutta quashing the conviction of the respondent by the Special Court established under	Special Court followed the principle of varying sentence as per the gravity of offence, it also took into consideration various other factors like intention, motive and knowledge in determining the

		section 3 of the West Bengal Special Courts Ordinance, 1949.	quantum of punishment for each accused. However, the apex court dismissed the appeal of State.
99.	Chelloor Mankkal Narayan Ittiravi Nambudiri v. State of Travancore-Cochin. [AIR 1953 SC 478] <u>(Decided on :- 10-11-1952)</u>	Appeal by special leave directed against a judgment of the High Court of Travancore-Cochin dated July 16, 1951 passed in Criminal Appeal No. 194 of 1950, by which the learned Judges set aside an order of acquittal. Appellant charged for offence under Section 147 for accepting illegal gratification and for offence under Section 389 for criminal breach of trust and also for abetment and entering into conspiracy for commission of these offences.	Sentence of imprisonment already been served by the accused during the pendency of the appeal and any further trial would not be proper in the interest of justice. So the apex court ordered acquittal of the accused by setting aside the order of the High Court.
100	Kalawati & Another v. The State of Himachal Pradesh. [AIR 1953 SC 131]. <u>(Decided on :- 19-01-1953)</u>	One of the appellant was convicted for murder and sentenced to death while the other was punished with transportation for life and thus both of them preferred this appeal against the judgment of the High Court.	Sentence of death of one of the appellant substituted by sentence of transportation for life taking into consideration the time elapsed and the motive behind commission of the alleged act. For another appellant, her conviction and sentence under section 302 was discharged but she was convicted under section 201 of the Indian Penal Code upon consideration of

			facts and circumstances of the case.
101	<p>Bijoy Chandra Patra v. The State.</p> <p>[AIR 1952 SC 105]</p> <p><u>(Decided on :- 14-12-1951)</u></p>	Appellant was convicted under section 326 of the Indian penal code and was sentenced to 3 years rigorous imprisonment by the Sessions Judge, Midnapore. High Court confirmed his conviction and thus this appeal by special leave was made by the appellant challenging his conviction.	Supreme court sustained the conviction under section 326 of the penal code and stated that conviction under Section 326 is proper even in absence of charge. The contention that accused was not examined as required as per Section 342 was turned down, it was stated that the accused has further to show that such examination materially prejudiced him and as such there is no materials to show that prejudice was done to the accused.
102	<p>Surajpal Singh & Others v. The State.</p> <p>[AIR 1952 SC 52]</p> <p><u>(Decided on :- 20-12-1951)</u></p>	The appellants were tried by the Sessions Judge on charges under section 302 read with section 149, section 148, sections 325 and 326 read with section 149, and section 201 of the Indian Penal Code, but were acquitted. On appeal by the State Government, the High Court reversed the Sessions Judge's decision, and convicted the appellants and	Supreme court restored the judgment of Sessions Court and ordered acquittal of the appellant on an observation that the High Court has full power to review the evidence upon which the order of acquittal was founded, but it is equally well-settled that the presumption of innocence of the accused is further reinforced by his acquittal by the trial court, and the findings of the trial court which had the advantage of seeing the

		<p>sentenced them to transportation for life under section 302 read with section 149, to five years' rigorous imprisonment under sections 325 and 326 read with section 149, and to two years' rigorous imprisonment under section 147 of the Indian Penal Code, all the sentences being made to run concurrently. Thus this appeal was preferred by special leave.</p>	<p>witnesses and hearing their evidence can be reversed only for very substantial and compelling reasons.</p> <p>On the whole, we are inclined to hold that the Sessions Judge had taken a reasonable view of the facts of the case, and in our opinion there were no good reasons for reversing that view. The assessors with whose aid the trial was held, were unanimously of the opinion that the accused were not guilty, and though 25 persons were placed on trial on identical evidence, the State Government preferred an appeal only against 5 of them on sole ground that the acquittal was against the weight of evidence on the record.</p>
<p>103 .</p>	<p>Rameshwar v. The State of Rajasthan.</p> <p>[AIR 1952 SC 54]</p> <p><u>(Decided on :- 20-12-1951)</u></p>	<p>Appellant Rameshwar was charged with committing rape on a young girl Mst. Purni, eight years of age. He was committed to Sessions and was convicted by the Assistant Sessions Judge. Sawai Jaipur, and sentenced to one year's rigorous imprisonment and a fine of Rs. 250. The appellate authority at that time was Sessions judge who acquitted</p>	<p>Appeal dismissed and the decision of the High court was upheld. The Supreme court held that - In the present case, the learned High Court Judges would have acted on the uncorroborated testimony of the girl had they not felt pressed by the corroboration rule. Viewing all the circumstances I am satisfied that the High Court was right. I am satisfied that in this case, considering the conduct of the girl and her mother from start to finish,</p>

		<p>the appellant but High court reversed the acquittal and restored the conviction and sentence. Hence this appeal was made to the Supreme court.</p>	<p>no corroboration beyond the statement of the child to her mother was necessary. I am satisfied that the High Court was right in holding that that was enough to make it safe to act on her testimony.</p>
104	<p>Jangal Prasad v. The State. [AIR 1953 SC 467] <u>(Decided on :- 20-12-1951)</u></p>	<p>The appellant was tried by a Magistrate of Jabalpur on the charge of having committed an offence under Section 377, Penal Code and was found guilty. While sentencing the appellant, the Magistrate observed as follows:- "The accused is a first offender of 18 years of age. A deterrent sentence would be highly inappropriate in this case. I accordingly order that the accused shall receive 10 stripes under Section 4(b), Whipping Act in lieu of the sentence provided under Section 377, I. P. C."</p> <p>The sentence imposed on the appellant was upheld by the Sessions Judge of Jabalpur, but, in revision, the Madhya Pradesh High Court pointed out that the sentence of whipping was illegal since the appellant was not a juvenile</p>	<p>Sentence imposed upon the Appellant was quashed and appeal was allowed. It was held, that there was nothing on record to show that the High Court either appreciated the necessity of issuing or did issue a notice to the accused to show cause why his sentence should not be enhanced or altered. If notice was intended to be issued then there would have been an express order to that effect in the Order sheet. There was nothing to show that the accused personally had any notice that the sentence of whipping was to be substituted by a sentence of imprisonment.</p>

		<p>offender. The High Court accordingly set aside the sentence of whipping and sentenced the appellant to nine months' rigorous imprisonment. Hence this appeal by the appellant.</p>	
105	<p>Bhagwan Singh v. The State of Punjab.</p> <p>[AIR 1952 SC 214]</p> <p><u>(Decided on :- 30-04-1952)</u></p>	<p>The appellant Bhagwan Singh has been convicted of the murder of one Bunggar Singh and sentenced to death. He has also been convicted under Section 19(f) of the Indian Arms Act and this was confirmed by the High Court. Hence, this appeal was made against the judgment of the High Court.</p>	<p>Appeal dismissed as the court felt no reason to interfere with the sentence of death. The appellant was caught red handed with the pistol on the spot and the case is simple one with crystal clear facts and apt evidences. Also the contention of the appellant that prescribed procedure was not followed is baseless.</p>
106	<p>Rameshwar Bhartia v. The State of Assam.</p> <p>[AIR 1952 SC 405]</p> <p><u>(Decided on :- 23-10-1952)</u></p>	<p>Appellant was convicted under Assam Food Grains Control Order, 1947 by Additional District Magistrate for possessing more than allowed quantity of paddy and fined Rs. 50. He pleaded guilty and ignorance, Reference was made by District Magistrate to High Court for increased punishment. Increased imprisonment punishment to one month and fine of Rs 1000 and gave direction to</p>	<p>Sentence was reduced. The court stated that, we generally do not interfere in the matter of sentence, but in this case we find that the Magistrate has held that the appellant's plea that he was ignorant of the provisions of the Assam Food Grains Control Order, 1947, was a genuine one. Having regard to this circumstance and the fact that from a fine of Rs. 50 to 6 months' rigorous imprisonment and a fine of Rs. 1,000 is a big jump, we think it is appropriate that the sentence of</p>

		<p>Trial Court to proceed under Section 514 for failure to produce paddy before Court. Hence, this appeal before Supreme Court.</p>	<p>imprisonment imposed by the High Court should be set aside and we order accordingly. The fine of Rs. 1,000 will stand.</p>
<p>107</p>	<p>Sunderlal v. The State of Madhya Pradesh.</p> <p>[AIR 1954 SC 28]</p> <p><u>(Decided on :- 13-11-1952)</u></p>	<p>Appellant was convicted of the offences under Section 394 and Section 323 but was acquitted of the offence under Section 302. The accused appealed against this conviction of his by the learned Sessions Judge and the Government appealed against his acquittal under Section 302. The High Court confirmed the conviction of the accused under Section 394 but set aside the conviction under Section 323, held that the accused was guilty of the offence under Section 302 and sentenced him to death. This appeal was thereupon filed by the accused as of right under the Constitution against that conviction of his by the High Court under Section 302 and the sentence of death.</p>	<p>Appeal dismissed and the court was of the opinion that the conclusion reached by the High Court in regard to the accused having committed the offence under Section 302 was correct and the accused was rightly convicted of the same. The circumstantial evidence, therefore, was sufficient to hold the accused responsible for the murder of the deceased and even apart from the medical evidence in regard to strangulation there is not the slightest doubt that it was the accused & the accused alone who was responsible for bringing about the death of the deceased.</p>

<p>108</p>	<p>Magga & Another v. State of Rajasthan.</p> <p>[AIR 1953 SC 174]</p> <p><u>(Decided on :- 16-02-1953)</u></p>	<p>Appellants were convicted under section 302 of the Indian Penal Code and were sentenced to death. High Court confirmed their conviction and upheld their sentence. Hence, this appeal was made to the Supreme Court.</p>	<p>Appeal was allowed and the conviction and the sentence was quashed with an order for retrial by the Sessions Judge. It was held that the trial conducted was not as per the prescribed procedure of the code and was not in accordance with the law and hence in such circumstances the retrial of the case would be in interest of justice.</p>
<p>109</p>	<p>Trimbak v. The State of Madhya Pradesh.</p> <p>[AIR 1954 SC 39]</p> <p><u>(Decided on :- 12-03-1953)</u></p>	<p>Appeal against conviction for offence under Section 411 for dishonestly receiving stolen property. Appellant was acquitted by Magistrate for offence under Section 395 but was convicted by the High Court for an offence under section 411 of the penal code and was sentenced to nine months rigorous imprisonment. Hence this appeal was preferred.</p>	<p>Conviction and the sentence was set aside. It was held that the prosecution failed to prove that ornaments said to belonging to the complainant were either in possession of the appellant or that he had the knowledge that they were stolen articles. No reason to convict appellant for offence under Section 411 when he was acquitted of offence under Section 395 and hence the conviction and the sentence must be set aside.</p>
<p>110</p>	<p>K.Damodaran v. The State of Travancore – Cochin.</p> <p>[AIR 1953 SC 462]</p> <p><u>(Decided on :- 20-03-1953)</u></p>	<p>Appellant was convicted under Sections 389, 400, 448 and 104 of Cochin Penal Code corresponding to Sections 409, 420, 468 and 108 of IPC for dishonestly inducing X to deliver to the appellant certain amount which was the property of Government and for dishonestly inducing X to</p>	<p>Appeal dismissed and it was held that, prime witnesses was induced to handover the cheques by the representation of appellant that he had purchased the oil and made payment to the seller as shown in the documents produced by him and thus the conviction of appellant justified. In the circumstances and for the reasons</p>

		<p>deliver the certain amount to him and sentenced to rigorous imprisonment for the term of 18 years. High Court confirmed the sentence and conviction and thus this appeal was preferred to this court.</p>	<p>noted above there can be no escape from the conclusion that the conviction of the appellant was well-founded. At the same time there is strong indication, on the evidence on record, that there were other and perhaps bigger persons involved in the fraud that was perpetrated on the Government. The circumstance that such persons have not been brought to book certainly does not excuse or exonerate the appellant from his guilt which has been established beyond reasonable doubt, but, nevertheless, it has a bearing on the question of sentence and thus sentence was limited to period of imprisonment already undergone.</p>
111	<p>Kutuhhal Yadav v. State of Bihar.</p> <p>[AIR 1954 SC 720]</p> <p><u>(Decided on :- 13-01-1954)</u></p>	<p>Appellant was convicted of the offence under section 302, 201 and 511 of the Indian penal code and was awarded sentence of death. High Court upon appeal confirmed his conviction and sentence and thus this appeal was preferred against the verdict of the High Court.</p>	<p>Appeal dismissed and the decision of the High Court was upheld. It was stated that the prosecution succeeded in establishing the guilt of the appellant and thus the case was proven beyond any reasonable doubt. The court stated that as per the evidences produced and version of the witnesses the High court was right in convicting the appellant. Also, the conduct of the appellant was far beyond reasonable doubt.</p>

<p>112</p>	<p>Eradu & Others v. State of Hyderabad.</p> <p><u>(Decided on :- 19-01-1953)</u></p>	<p>Appellants were convicted for the offence under section 302 and 243 of the Indian Penal Code and were sentenced to the punishment of transportation for life and the High court upon appeal confirmed their sentences. Thus this appeal to the Supreme Court.</p>	<p>Appeal allowed and the conviction and the sentence of the appellant was set aside. Also, there was no evidence at all of any further movements of appellants nor there was anything to connect them with crime even, the circumstances were not enough to convict appellants for offence under Section 302.</p>
<p>114</p>	<p>Surjan & Others v. State of Rajasthan.</p> <p>[AIR 1956 SC 425]</p> <p><u>(Decided on :- 01-11-1955)</u></p>	<p>This is an appeal by special leave against the judgment of the High Court of Rajasthan, whereby a number of accused who were acquitted by the Sessions Judge at the trial were convicted and sentenced on appeal by the High Court. In addition, the High Court while confirming the conviction of another accused (Surjan) under Section 323, Penal Code convicted him also under Section 304, Penal Code and sentenced him therefore to ten years' rigorous imprisonment. Hence, this appeal was made to the apex court.</p>	<p>Appeal Dismissed with respect to appellant no.1 and allowed for others. No sufficient reason for the High Court to interfere with the acquittal of the appellant in respect of murderous assault by him. It was held that, conviction of appellant No. 1 under section 304 and sentence of ten years of rigorous imprisonment cannot be maintained. Thus, appeal dismissed except with regard to appellant No. 1.</p>

<p>115</p>	<p>Laxmi Narayan Kalra v. State of Uttar Pradesh.</p> <p>[AIR 1956 SC 544]</p> <p><u>(Decided on :- 25-11-1955)</u></p>	<p>Appellant was convicted under section 420 of the Indian penal code and was sentenced to one year rigorous imprisonment and fine of Rs.1000. Upon appeal his conviction was confirmed by the High Court, fine was upheld but sentence was reduced to the period of imprisonment already served.</p>	<p>Appeal allowed and the sentence was quashed setting aside conviction. The court observed that being so, there is no material on which we can say that the appellant has done anything which brings him within Section 420 of the Penal Code. His conviction under that section must accordingly be quashed.</p>
<p>116</p>	<p>Chandi Prasad Singh v. The State of Uttar Pradesh.</p> <p>[AIR SC 1956 SC 149]</p> <p><u>(Decided on :- 07-12-1955)</u></p>	<p>Appellant was convicted of the offence under section 409 and 477-A of the Indian Penal code and as such was sentenced to four years rigorous imprisonment. High court confirmed the sentence and conviction on appeal and as such this appeal was preferred to the apex court of judiciary.</p>	<p>Appeal dismissed and the sentence and the conviction was upheld. It was finally contended before the court that there had been no proper examination of the appellant under section 342, and that therefore the conviction was illegal. This objection was not raised in the Courts below, and is sought to be raised in this Court by a supplemental proceeding. We find no substance in this objection.</p>
<p>117</p>	<p>Sambhu Nath Mehra v. State of Ajmer.</p> <p>[AIR 1956 SC 404]</p> <p><u>(Decided on :- 12-03-1956)</u></p>	<p>Appellant, S. N. Mehra, a Camp Clerk in the office of the Divisional Engineer Telegraphs, Ajmer, has been convicted of offences under section 420 of the Indian Penal Code and section 5(2) of the Prevention of Corruption Act, 1947 (Act II of 1947). He was sentenced to two years'</p>	<p>Appeal allowed and the conviction and the sentence was set aside. It was held that no conviction could validly rest on the material so far produced and it would savor of harassment to allow the continuance of such a trial without the slightest indication that there is additional evidence available which could not have been</p>

		<p>rigorous imprisonment and a fine of Rs. 100 on each count. His conviction was upheld by the High Court and hence this appeal was preferred.</p>	<p>discovered and produced with the exercise of diligence at the earlier stages.</p>
118	<p>Vemireddy Satyanarayan Reddy and Three Ors v. The State of Hyderabad.</p> <p>[AIR 1956 SC 379]</p> <p><u>(Decided on :- 14-03-1956)</u></p>	<p>Appellants were alleged communists who were convicted for the offence of murder of one congress activist. They were convicted and sentenced to death by the Sessions court but on appeal to the High Court there sentence was reduced to imprisonment for life. Hence, this appeal was made to the Hon'ble Supreme court.</p>	<p>Appeal was dismissed and the sentence and the conviction was upheld. It was stated that ample material existed on record to prove the case beyond any existence of doubt. It was clear that the appellants were sole murderer of the victim. For this gruesome and revolting murder the appellants have got only imprisonment for life for which they must be thankful to the difference of opinion that arose among the learned Judges of the High Court.</p>
119	<p>Basdev v. The State of Pepsu.</p> <p>[AIR 1956 SC 488]</p> <p><u>(Decided on :- 17-04-1953)</u></p>	<p>Appellant was convicted for the murder of 15 year old boy but since he committed the act in state of unconsciousness and that too when he was heavily drunk as observed by the Sessions judge, so he was sentenced to transportation for life.</p>	<p>Appeal dismissed and the conviction and the sentence were upheld. It was stated that the plea on part of the appellant that there was no intention as he was in state of unconsciousness does not holds good in the light of evidences present and the version of witnesses who stated that he at that time was capable of moving himself independently and thus the contentions are baseless and devoid of merit.</p>

<p>120</p>	<p>Moseb Kaka Chowdhry alias Moseb Chowdhry and Anr. v. State of West Bengal.</p> <p>[AIR 1956 SC 536]</p> <p><u>(Decided on :- 18-04-1956)</u></p>	<p>Two appellants were convicted for the offence of murder and as such were sentenced to imprisonment of ten years. High Court confirmed their conviction and sentence. Hence this appeal was preferred to the apex court.</p>	<p>Appeal dismissed and it was stated that there can be no doubt that this is very inadequate compliance with the salutary provisions of section 342 of the Code of Criminal Procedure. It is regrettable that there has occurred in this case such a serious lacuna in procedure. Also the court observed that any non-compliance in the statutory procedure cannot be made an issue for the first time before the apex court. It must have been raised before the lower courts or at an earlier stage because such contention if valid demands retrial of the case which in the present situation would not be in the interest of justice.</p>
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