

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

(1950 TO 1960)

(Level : II)



SUBMITTED BY :

DEEPAK KUMAR SINGH

CHANAKYA NATIONAL LAW UNIVERSITY

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<u>Sr. No.</u>	<u>Name of the case and its citation</u>	<u>Result of Appeal</u>	<u>Reasons/Principles/Grounds</u>
01.	Mohinder Singh v. The State. [AIR 1953 SC 415]	Appeal Allowed - Acquittal.	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]	Appeal Allowed - Acquittal.	Omission in the examination of the accused under section 342 of the Criminal Procedure code at the trial stage.
03.	Tulsiram Kanu v. The State. [AIR 1954 SC 1]	Appeal Allowed - Acquittal.	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.
04.	Santosh Kumar Jain v. The State Union of India (Intervener). [AIR 1951 SC 201]	Appeal Dismissed - Conviction.	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.
05.	Geoffrey Manners and Company Ltd. V. The State of Bombay. [1959 (61) BOMLR 603]	Appeal Allowed - Acquittal.	Sentence passed under section 486 of the Indian Penal Code was not justified on facts and hence, was set aside by the Supreme court relying upon the facts and circumstances of the case.

06.	Waliyat Khan & Others v. The State of U.P. [AIR 1953 SC 122]	Appeal Allowed – Acquittal.	The reason given was 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 conclusion arrived at by the Sessions judge was not proper.
07.	Muthuswami v. State of Madras. [AIR 1954 SC 4]	Appeal Allowed – Acquittal.	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 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.	Hate Singh Bhagat Singh v. The State of Madhya Bharat. [AIR 1953 SC 468]	Appeal Allowed – Acquittal.	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.
11*.	Adamji Umar Dalal v. The State of Bombay. [AIR 1952 SC 14]	Sentence Reduced	The principle laid down is as follows : - “The determination of the 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”.
12.	Bhagat Singh v. The State Gurdev Singh (Caveator). [AIR 1952 SC 45]	Appeal Dismissed.	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 harm to more than one. Ex :- one bullet fired at both A and B will be a single offence.
13.	Kashmira Singh v. The State of Madhya Pradesh. [AIR 1952 SC 159]	Appeal Allowed – Acquittal.	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.
14.	Pangambam Kalonjoy Singh v. State of Manipur. [AIR 1956 SC 9]	Appeal Allowed – Acquittal.	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.
15.	Hanumant v. The State of Madhya Pradesh. & Raoji Bhai v. The State of Madhya Pradesh. [AIR 1952 SC 343]	Appeal Allowed – Acquittal.	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.

16.	Palvinder Kaur v. The State of Punjab. [AIR 1952 SC 354]	Appeal Allowed – Acquittal.	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.
18.	Puran v. The State of Punjab. [AIR 1953 SC 459]	Appeal Allowed – Acquittal.	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.
19.	The State of Madhya Pradesh v. Ramkrishna Ganpatrao Limsey and Ors. [AIR 1954 SC 20]	Appeal Dismissed.	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.
20.	Zwinglee Ariel v. State of Madhya Pradesh. [AIR 1954 SC 15]	Appeal Allowed – Acquittal.	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.
21.	Sanwat Khan & Another v. State of Rajasthan. [AIR 1956 SC 54]	Appeal Allowed – Acquittal (conditional).	In the light of the term of imprisonment already undergone they were ordered to be released. Supreme 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.

22.	Ajmer Singh v. The State of Punjab. [AIR 1953 SC 76]	Appeal Dismissed.	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.
23.	Thakur Prasad v. The State of Madhya Pradesh. [AIR 1954 SC 30]	Appeal Dismissed.	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.
24.	Mahadev Dhanappa Gunaki and Another v. The State of Bombay. [AIR 1953 SC 179]	Appeal Dismissed.	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]	Appeal Dismissed.	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]	Appeal Allowed – Acquittal.	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.
27.	Dalip Singh & Others v. State of Punjab. [AIR 1953 SC 364]	Appeal Dismissed but sentence reduced.	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 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.”
28.	Nisa Stree v. The State of Orissa. [AIR 1954 SC 279]	Appeal Dismissed.	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.
29.	Nawab Singh v. The State of Uttar Pradesh. [AIR 1954 SC 278]	Appeal Dismissed.	It was 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]	Appeal Allowed – Acquittal.	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 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]	Appeal Allowed – Acquittal.	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]	Appeal Allowed – Acquittal but case remanded back to lower court for re-hearing.	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.
33.	Prem Nath v. State of U.P [AIR 1956 SC 4]	Appeal Allowed – Acquittal (Re-trial)	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])	Appeal Dismissed.	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.

35.	Narayan Tewary v. State of West Bengal. [AIR 1954 SC 726]	Appeal Dismissed.	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.
36.	Mangleshwari Prasad v. The State of Bihar. [AIR 1954 SC 715]	Appeal dismissed – Sentence reduced.	<p>It was 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.</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 maximum limit as prescribed the statute.</p>
37.	Bhagat Ram v. State of Punjab. [AIR 1954 SC 621]	Appeal Allowed – Acquittal.	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]	Conviction altered from one offence to another.	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, 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]	Appeal Dismissed	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]	Two Appellants – Acquitted, One – convicted.	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]	Appeal Dismissed.	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]	Appeal Allowed – Acquittal.	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.
43.	A.J. Peiris v. State of Madras [AIR 1954 SC 616]	Appeal dismissed.	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.

44.	Bihari Singh Madho Singh v. State of Bihar. [AIR 1954 SC 692]	Appeal Allowed – Acquittal.	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.
45.	Biswabhusan Naik v. The State of Orissa. [AIR 1954 SC 359]	Appeal Dismissed.	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.
46.	Kedar Nath Bajoria & Anthr. v. The State of West Bengal. [AIR 1954 SC 660]	Appeal allowed to some extent – Partly acquittal and conviction.	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 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]	Appeal dismissed.	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]	Appeal Dismissed.	Nobody could have been misled by the omission to set out the two objects of the assembly in separate paragraphs. The supreme court therefore upheld the convictions under Section 147, I. P. C. and the 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]	Sentence Reduced.	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]	Appeal Allowed – Acquittal.	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 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]	Appeal Allowed – Sentence reduced.	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]	Appeal Dismissed.	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.	S.A.A. Biyabani v. State of Madras. [AIR 1954 SC 645]	Appeal Allowed – Acquittal.	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.	Inder Singh Bagga Singh v. State of Pepsu. [AIR 1955 SC 439]	Appeal Dismissed – Sentence reduced.	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.	Kapur Singh v. State of Pepsu. [AIR 1956 SC 654]	Conviction altered under another section of penal code.	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 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]	Appeal Dismissed.	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.

57.	Mahesh Prasad v. State of Uttar Pradesh. [AIR 1955 SC 70]	Appeal Dismissed – Sentence Reduced.	Appeal dismissed as the court observed that all the contentions raised before it were untenable. We reduce the sentence of imprisonment to the period already undergone. The sentence of fine stands”.
58.	Ramjanam Singh v. The State of Bihar. [AIR 1956 SC 643]	Appeal Allowed – Acquittal.	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 Court raise have not been displaced.
59.	Edward Ezra & Another v. State of West Bengal. [AIR 1955 SC 155]	Appeal Allowed – Acquittal (Re-trial)	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.
60.	Pandurang, Tukia and Bhillia v. The State of Hyderabad. [AIR 1955 SC 216]	Partly allowed – Sentence reduced.	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 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]	Appeal Allowed – Acquittal.	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.

<p>62.</p>	<p>Nanak Chand v. The State of Punjab.</p> <p>[AIR 1955 SC 274]</p>	<p>Appeal Allowed – Acquittal (Re-trial).</p>	<p>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>
<p>63.</p>	<p>Rishideo Pande v. The State of Uttar Pradesh.</p> <p>[AIR 1955 SC 331]</p>	<p>Appeal Dismissed.</p>	<p>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>Appeal dismissed – Sentence modified.</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>Appeal Allowed – Acquittal.</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 clear involvement of the appellant in the offence committed.</p>

66.	Amrik Singh v. The State of Pepsu. [AIR 1955 SC 309]	Appeal Allowed – Acquittal.	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.
67.	Suraj Pal v. The State of Uttar Pradesh. [AIR 1955 SC 419]	Appeal Allowed – Partly Acquitted and convicted under other section.	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 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]	Appeal Allowed – Acquittal.	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]	Appeal dismissed.	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 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]	Appeal Allowed – Acquittal.	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.
71.	Mohinder Singh v. The State of Punjab. [AIR 1955 SC 762]	Appeal Allowed – Acquittal.	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 hence forth he was ordered to be released to liberty.

72.	Atley v. The State of Uttar Pradesh. [AIR 1955 SC 807]	Appeal dismissed.	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]	Appeal Allowed – Acquittal.	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.
74.	Nathu v. State of Uttar Pradesh. [AIR 1956 SC 56]	Appeal Allowed – Acquittal.	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.
75.	Narayanan Nair Raghavan Nair v. The State of Travancore – Cochin. [AIR 1956 SC 99]	Appeal dismissed – Sentence reduced.	Sentence reduced 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.
76.	Machander v. State of Hyderabad. [AIR 1955 SC 792]	Appeal Allowed – Acquittal.	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.

77.	Deonandan Mishra v. The State of Bihar. [AIR 1955 SC 801]	Appeal dismissed.	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.
78.	Bed Raj v. State of Uttar Pradesh. [AIR 1955 SC 801]	Appeal Allowed – Acquittal.	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”.
79.	Rawalpenta Venkalu & Another v. State of Hyderabad. [AIR 1956 SC 171]	Appeal Dismissed.	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.
80.	Mathurala Addy Reddy v. The State of Hyderabad. [AIR 1956 SC 177]	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.
81.	Topandas v. State of Bombay [AIR 1956 SC 33]	Appeal Partly Allowed – Partly acquitted.	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]	Appeal Allowed – Acquittal (for some appellants only).	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.
83.	Abdul Sattar v. The State of Mysore.	Appeal Dismissed.	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.

84.	Gurcharan Singh & Another v. State of Punjab. [AIR 1956 SC 460]	Appeal Dismissed.	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.
85.	Chhutanni v. State of Uttar Pradesh. [AIR 1956 SC 407]	Appeal Dismissed.	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 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]	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 & Others .v. State of Uttar Pradesh. [AIR 1956 SC 546]	Appeal Dismissed.	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.

88.	Tilkeshwar Singh & Others v. State of Bihar. [AIR 1956 SC 238]	Appeal Dismissed.	<p>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>
89.	K.C.Mathews & Others v. State of Travancore – Cochin [AIR 1956 SC 241]	Appeal Dismissed.	<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>
90.	Wasim Khan v. The State of Uttar Pradesh. [AIR 1956 SC 256]	Appeal Dismissed.	<p>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>
91.	Sukha & Others v. The State of Rajasthan. [AIR 1956 SC 513]	Appeal Dismissed	<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 [1950 SuppSCR 144]</p>	<p>Appeal Allowed – Acquittal (Re-Hearing).</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]</p>	<p>Punishment altered.</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.</p>
<p>94.</p>	<p>Lakhi Narayan Das & Others v. The Province of Bihar. [[1950] SuppSCR 102]</p>	<p>Appeal Dismissed.</p>	<p>Interpretation of the terms “ Preventive Detention” was done and other related provisions were interpreted and it was found that the contention of the appellant is devoid of merit.</p>
<p>95.</p>	<p>Dr. Babu Ram Saksena v. The State. [AIR 1950 SC 155]</p>	<p>Appeal Dismissed.</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 tried by them ought not to depend upon his nationality. The convenience of trying crimes in the country where they were committed is obvious.</p>

96.	Pritam Singh v. The State. [AIR 1950 SC 169]	Appeal Dismissed.	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]	Appeal Dismissed.	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]	Appeal Dismissed.	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 quantum of punishment for each accused.
99.	Chelloor Mankkal Narayan Ittiravi Nambudiri v. State of Travancore-Cochin. [AIR 1953 SC 478]	Appeal Allowed – Acquittal.	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].	Sentence reduced.	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	Bijoy Chandra Patra v. The State. [AIR 1952 SC 105]	Appeal Dismissed.	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	Surajpal Singh & Others v. The State. [AIR 1952 SC 52]	Appeal Allowed – Acquittal.	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 witnesses and hearing their evidence can be reversed only for very substantial and compelling reasons.
103	Rameshwar v. The State of Rajasthan. [AIR 1952 SC 54]	Appeal Dismissed.	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, 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.
104	Jangal Prasad v. The State. [AIR 1953 SC 467]	Appeal Allowed – Acquittal.	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.
105	Bhagwan Singh v. The State of Punjab. [AIR 1952 SC 214]	Appeal Dismissed.	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.
106	Rameshwar Bhartia v. The State of Assam. [AIR 1952 SC 405]	Sentence Reduced.	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 imprisonment imposed by the High Court should be set aside and we order accordingly. The fine of Rs. 1,000 will stand.
107	Sunderlal v. The State of Madhya Pradesh. [AIR 1954 SC 28]	Appeal Dismissed	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.
108	Magga & Another v. State of Rajasthan. [AIR 1953 SC 174]	Appeal allowed – Acquittal.	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.
109	Trimbak v. The State of Madhya Pradesh. [AIR 1954 SC 39]	Appeal Allowed- Acquittal.	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.

<p>110</p>	<p>K.Damodaran v. The State of Travancore - Cochin.</p> <p>[AIR 1953 SC 462]</p>	<p>Appeal Dismissed – Sentence Reduced.</p>	<p>In the circumstances and for the reasons 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>
<p>111</p>	<p>Kutuhall Yadav v. State of Bihar.</p> <p>[AIR 1954 SC 720]</p>	<p>Appeal Dismissed</p>	<p>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>Appeal Allowed – Acquittal.</p>	<p>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>

114	Surjan & Others v. State of Rajasthan. [AIR 1956 SC 425]	Appeal Dismissed	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.
115	Laxmi Narayan Kalra v. State of Uttar Pradesh. [AIR 1956 SC 544]	Appeal Allowed and Acquitted.	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.
116	Chandi Prasad Singh v. The State of Uttar Pradesh. [AIR SC 1956 SC 149]	Appeal Dismissed	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.
117	Sambhu Nath Mehra v. State of Ajmer. [AIR 1956 SC 404]	Appeal allowed – Acquitted.	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 discovered and produced with the exercise of diligence at the earlier stages.
118	Vemireddy Satyanarayan Reddy and Three Ors v. The State of Hyderabad. [AIR 1956 SC 379]	Appeal Dismissed	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.
119	Basdev v. The State of Pepsu. [AIR 1956 SC 488]	Appeal Dismissed	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.
120	Moseb Kaka Chowdhry alias Moseb Chowdhry and Anr. v. State of West Bengal. [AIR 1956 SC 536]	Appeal Dismissed	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.