

In Re: Krushno Kariko

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Court : Chennai

Decided On : Jul-27-1914

Reported in : 30Ind.Cas.435

Judge : Ayling and; Tyabji, JJ.

Appellant : In Re: Krushno Kariko

Judgement :

1. Appellant pleaded guilty to the charge of murder in the Sessions Court; and we cannot accept his story put forward for the first time in his appeal petition to the effect that death was caused accidentally. The offence undoubtedly amounts to murder.

2. The only question is that of sentence. The Additional Agency Sessions Judge has not discussed it or given any reasons, but has imposed a sentence of death. Appellant undoubtedly suffered some provocation before the offence and it has to be considered whether this provocation, though insufficient to come under exception to Section 300, Indian Penal Code, would justify the remission of the death sentence.

3. The prosecution evidence, as recorded by the Committing Magistrate, affords such an altogether inadequate motive for the crime, that we cannot believe it represents all that took place. Accused's version as contained in Exhibit A is much more probable, and seems to have been given to the Inspector at an early stage of

the inquiry. In our opinion it probably represents the real sequence of events and if this be so, we do not think the case is one winch, looking to the primitive nature of the parties calls for a death sentence.

4. We confirm the conviction, but reduce the sentence to transportation for life.

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