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Leading Murder Cases decided by the Supreme Court of India – A Criminological Study

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ABSTRACT

The heinous crime of murder has been dealt with in detail by Indian law throughout the years – redefining the field of criminal law in various ways. The judiciary in India has made great progress with its approach to punishing murder in the country by developing tests and other criteria to make the law as efficient and just as possible. But in the Supreme Court's own words: "extremely uneven application of Bachan Singh case has given rise to a state of uncertainty in capital sentencing law which clearly falls foul of constitutional due process and equality principle". The court has also acknowledged erroneous imposition of the death sentence in contravention of Bachan Singh case guidelines. Therefore, the constitutional regulation of capital punishment attempted in Bachan Singh has failed to prevent death sentences from being arbitrarily and freakishly imposed".

In this paper, we attempt to understand the basics of the crime of murder in India by studying the various relevant sections under the Indian Penal Code, review several literature pieces on the matter published in reputed databases and journals and, by analysing the landmark cases ruled by the courts of law throughout the years. The purpose of the study is to provide essential background information on the matter as it is vital for any thorough understanding on the current situation regarding this issue.

I. INTRODUCTION

The term "murder" comes from the Germanic term "*mortna*," which meaning "hidden killing." A significant difference exists between open and hidden killing, as per earlier Germanic people. The first did not carry a penalty, whereas the latter did. By the twelfth century, however, any killing, whether open or hidden, was deemed serious and criminal².

The crime of 'murder' is a more severe version of 'culpable homicide.' When the crime is 'murder,' it is classified as 'culpable homicide not equivalent to murder,' according to Section 300 of the law. Section 300 of the IPC lays out the conditions in which culpable homicide

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² Pollock & Maitland, *The History of English Law*, Vol.2, pg.487.

becomes murder, charged under section 302 of the IPC, and the exclusions in the very same portion specify when the offence is not murder, but culpable homicide not amounting to murder, punishable under the first provisions of chapter 304 of the IPC. To put it another way, culpable homicide is murder if the conduct that causes death comes under one of the four clauses listed in the section, except if, the case falls under one of the five exceptions, listed therein, in which case the crime will be 'culpable homicide not amounting to murder' - these are situations in which the defendant is dispossessed of his or her authority of self-control by "grave and sudden provocation", or in the duration of practising his or her right of private defence, or in the exertion of legal authority, or with the permission of the person who died³.

The analogy supplied by Melville, J. in the case of *Reg v Govinda*⁴ may help to understand the difference between culpable homicide and murder. The prisoner, an 18-year-old teenage boy, kicked his wife and attacked her with his hand's multiple times. He then continued to strike her in the face while she was on the floor, seriously damaging her left eye. These strikes caused permanent harm to her eye as well as the "extravasation of blood" into her brain, which culminated in the girl's death. The matter was referred to another judge, Melville J., since there was a disagreement among the justices overseeing the issue. He opined something along the following lines –

Although, it is very difficult to distinguish between the two crimes, as mentioned earlier, murder as per section 300 of the IPC is a much graver version of section 299 of the IPC which talks about culpable homicide. So, the needs for an offence to amount to murder is slightly greater. For instance, in culpable homicide it is sufficient for the accused to have enough knowledge that the act is likely or probably going to cause death to the victim. Whereas, for murder, it is pertinent that the offender must possess enough knowledge to realise that the act is so “*imminently dangerous that it must in all probability cause death*, or such bodily injury as is likely to cause death.”

There are some exceptions to these clauses stated under section 300, such as – ‘Grave and Sudden provocation’, ‘Exceeding the right of private defence’, ‘A Public servant exceeding his powers’, ‘Sudden Fight’ and lastly, ‘Consent’ (scenarios like passive euthanasia usually deals except for Consent). If the offence comes under any one of these exceptions, the matter will most likely be reduced to culpable homicide not amounting to murder and the offender will ultimately receive a less severe punishment.

³ The Indian Penal Code, 1860.

⁴ *Reg v Govinda*, 1876 ILR 1 Bom 342.

A more clear and elaborate understanding of this section of the IPC can be achieved by studying the first four clauses of the section which discusses the prerequisites for an offence to be considered as murder in India.

(A) Research Objectives:

To provide a better understanding of the purpose of this research paper, the following are the objectives of the study –

- To comprehend Section 300 of the IPC in an informative manner.
- To distinguish and understand the key doctrines that have been laid out by the judiciary on the punishment for murder in our country.
- To analyse landmark cases on these principles to understand the correct interpretations and practical applicability adopted by the apex court of India.

(B) Research Methodology:

The methodology to be utilised in this study will be qualitative in nature. This is because the topic mainly deals with Section 300 of the IPC and the doctrines that it entails. Therefore, primary sources like the bare act of the Indian Penal Code will be used, to form an informative opinion on the matter. Secondary sources like books by prominent legal jurists, landmark case laws and other sources of similar nature will also be utilised to understand the judicial approach to ‘murder’ as a concept in India.

(C) Research Questions:

This research paper will look to achieve its objectives by answering the following questions –

- How is Murder understood by the judiciary and other legal jurists through the Indian Penal Code of 1860?
- What are the main aspects by which we approach the offence of murder?
- How has the Supreme Court of India interpreted Section 300 of the IPC throughout the past?

(D) Literature Review:

- ‘Section 300(C) of the Indian Penal Code: From First Principles’ by Mark McBride:

The article analyses the plain language of statutory order 300 (c), which tends to be the most contentious provision under the section, in order to provide an accurate comprehension of it and the different possibilities that could be encompassed by it. Such an assessment clearly demonstrates that the foremost authority on the section, *Virsa Singh v. State of Punjab*, enforces

the additional factor of a linkage between the type of bodily injury planned and imposed, thereby excluding situations where the bodily harm actually caused is not the physical injury meant to be perpetrated, but which may still fall under the scope of Section 300(c), read in its ordinary sense⁵.

- ‘*Punishment of Imprisonment for Life: Misconceived and Unworkable*’ by Balwant Singh Malik:

The Article investigates the nature and mechanism of implementation of "life imprisonment" permitted as a type of penalty under the Penal Code, 1860 and comparable legislation, and specifically, whether the Government has established a misconstrued and impractical sentence in the Penal Code, 1860 (IPC). The essence and form of implementation of life imprisonment, and therefore its practicality or executability, have been the topic of extensive discussion in the upper ranks of the government, such as the Central Law Commission, state legislatures, Parliament, High Courts and even the Supreme Court⁶.

- ‘*Murder Most Foul, though not Rarest of Rare*’ by B. B. Pande:

The article deals with the murder cases which fall under the “Rarest of Rare” category. The author initially studies the *Ravindra Trimbak Chouthmal v. State of Maharashtra*⁷ case, which touches on the dowry death case that occurred during the 1990’s which sparked a controversial debate. The study then proceeds to explain the *Bachan Singh* case and the *Machhi Singh* case which are landmark cases when it comes to murder crimes which fall under the ‘**rarest of rare**’ category. The paper concludes by analysing the deterring effects of death penalty on society and studies various viewpoints from both sides to ultimately provide its readers with an informative report⁸.

- ‘*Capital Punishment in India: Approach of the Apex Court*’ by Zubair Ahmad Khan:

This journal article provides an extensive understanding on capital punishment in India throughout the years and explains the various viewpoints of legal jurists, the government, “abolitionists”, “retentionists”, etc. To add to the credibility of the study, the author, has very aptly utilised several case laws for each sub issue under this umbrella of capital punishment. In conclusion, the article acknowledges the hurdles that the legal systems around the globe face while attempting to enforce a death penalty on an individual, but the paper also states that the

⁵ Mark McBride, ‘*Section 300(C) of the Indian Penal Code: From First Principles*’, pg. 78- 86, NLSI, EBC publishing, (2014).

⁶ Balwant Singh Malik, *Punishment of Imprisonment for Life: Misconceived and Unworkable*, pg. 238-246, Journal of the Indian Law Institute (JILI), (1994).

⁷ *Ravindra Trimbak Chouthmal v. State of Maharashtra*, (1996) 4 SCC 148.

⁸ B. B. Pande, *Murder Most Foul, though not Rarest of Rare*, pg. 2-11, SCC J., (1996).

progress made by today's society has helped us to understand the advantages and drawbacks to such a punishment.

- 'Condemned by Birth: The Implications of Genetics for the Theories of Crime and Punishment' by Meghna Rajadhyaksha:

This report analyses the controversies over the role of genetics in convicting people. The main tendencies in this respect can be seen in American court rulings over the last century, which have progressed from the use of blind inheritance to advanced biological tools. Because genes have an influence on the fundamental notion of "free will" in criminal justice, its application as a defence has been thoroughly investigated. Lastly, this paper looks at sentencing models and techniques, as well as their efficiency in avoiding and punishing "genetic offenders."⁹

II. MAJOR DOCTRINES FOR PUNISHMENT

(A) Alternative Punishments for Murder

If a person is found guilty of murder, Section 302 of the IPC provides for an optional sentencing of either death or life imprisonment with a fine if the accused was found guilty. Previously, the Code of Criminal Procedure stated that it is necessary for the Court to state precise justifications for imposing a lesser punishment of life imprisonment in its decision. However, this clause was eventually repealed by the Amendment Act of 1955, and the courts were provided with the choice of awarding either death or life imprisonment with a fine as one of the possible consequences for murder under the Code, based on the details and facts of the crime.

The 1973 Criminal Procedure Code (CrPC) has eventually made a long-awaited judgement on the subject, and it has emerged, therefore, to society's widespread opposition to death penalty¹⁰. The government declared capital punishment as an exception, allowing it to be applied only to the most terrible and inexcusable offences, while making life imprisonment the default for sentencing a murderer¹¹.

Thus, in conclusion, the pre-1955 view of having death penalty as the usual punishment was altered. If any case, the court has gone onto convict a criminal with a death penalty under section 302 of the IPC, it must specify adequate reasons to support such a decision, and if the court fails to do so in any manner whatsoever, the appellant court will reduce the punishment

⁹ Meghna Rajadhyaksha, 'Condemned by Birth: The Implications of Genetics for the Theories of Crime and Punishment', pg. 86-103, Socio-Legal Rev.(SLR), (2006).

¹⁰ Section 354(3), The Criminal Procedure Code (CrPC), 1973.

¹¹ Amba Ram v. State of Madhya Pradesh, AIR 1976 SC 2196.

to imprisonment for life¹².

(B) Legal Standpoints so far

The government has delegated to the courts the task of selecting the right sentence in a murder trial. This clause has sparked a lot of debate and criticism. It is claimed that the state has struggled to meet its basic job by failing to specify what statutory criteria must be utilised to determine whether a court should condemn a defendant to life in prison or death in a criminal context.

Ratanlal and Dhirajlal, two prominent legal jurists from our country, sum up the grounds for granting courts a rather broad authority in terms of sentencing in the following words -

Factors that are legitimately and explicitly accepted by the law as extenuating circumstances necessitating a higher level of penalty are primarily those that involve the way in which the crime is committed. These factors typically encompass a lot of specifics, such as time, place, people, and things, which vary depending on the details.

The following are examples of factors that should be considered when reducing punishment:

“(1) The minority of the offender, (2) the old age of the offender, (3) the condition of the offender, (4) provocation”, etc¹³. These are just some of the factors by which, the judiciary decides punishment for a murderer. But the main idea being, the graveness of the murder and its nature will essentially determine the severity of the punishment that is to be awarded.

(C) ‘Rarest of Rare’ test for Death Sentence

The ‘Rarest of Rare’ test has been collectively established in *Bachan Singh v. State of Punjab*¹⁴ & in *Machhi Singh v. State of Punjab*¹⁵.

In analysing previous decisions, the Supreme Court concluded that while imposing the death penalty, the judge must take into account both the offense and the offender. The perceived significance of serious and extenuating circumstances is determined by the evidence and details of the case. The judges outlined some of the special circumstances that could lead to a death sentence in a murder trial as guidance:

“(a) if the murder has been committed after previous planning and involves extreme brutality, (b) if the murder involves exceptional depravity, (c) if the murder is of a member of any of the armed forces or any public servant and if the murder was crime committed during the time of

¹² State of Uttar Pradesh v Paras Nath, AIR 1973 SC 1073.

¹³ Ratanlal & Dhirajlal, Law of Crimes, 24th ed., Vol. 1, pg. 169, (1997).

¹⁴ Bachan Singh v. State of Punjab, AIR 1982 SC 1325.

¹⁵ Machhi Singh v. State of Punjab, AIR 1983 SC 957.

duty, or (d) if the murder is of a person who acted through his legal right under section 43 of the CrPC (arrest of private person).”

The judicial standing on the matter gained a lot more depth and understanding with the *Machhi Singh* case as the bench in the case proceeded to lay out a more comprehensible list of guidelines to add onto the ones already established in *Bachan Singh*.

They were the following –

- “**Manner of Commission of Murder:** When the murder is committed in an extremely brutal, grotesque, revolting manner so as to arouse intense and extreme indignation of the community.”
- “**Motive for Commission of Murder:** When the murder is committed for a motive that evidences total depravity and malice.”
- “**Anti-social or socially abhorrent nature of the crime:** When murder of a member of a group of people belonging to scheduled caste or minority, etc. is committed not for personal reasons, but in circumstances which arouse social wrath. For example, dowry deaths or mob lynching based on religion or caste.”
- “**Magnitude of Crime:** When the crime is enormous in proportion. For instance, the murder of a large number of people from a particular caste, or an entire family for similar reasons.”
- “**The Victim:** If the victim is an innocent child, a senior citizen or even the murder of an important public figure respected by society as a whole killed due to political reasons.”

(D) Honour Killings

Honour killing is the assassination of a young couple who reject a Khap panchayat decision prohibiting them from marriage outside of caste boundaries. The ideals adopted by Khap panchayats are as follows:

“There could be no marriage alliance between a man and a woman if they were of same gotra or belonged to different castes. Even if they had same caste and different gotras, they still cannot marry, if they resided in the same or adjoining villages.”

Honour killings have been recorded primarily in Haryana, western Uttar Pradesh, Punjab, rural Delhi, and southern India. In recent times, a wave of honour killings in northern India has elicited strong reactions from the community, legal experts, sociologists, and NGOs, as well as

the state, to put an end to such inhumane and terrible acts of brutality.¹⁶

As the Punjab and Haryana High Court has advised, "honour killing should be declared a different crime from regular murders by broadening the definition of homicide under section 302, IPC or adding a separate section 302A, IPC." Conversely, a completely separate Act, comparable to the Commission of Sati Prevention Act, 1987, could be implemented to treat Khap panchayat leaders and attendees, co-conspirators or accomplices to main conspirators in honour killings, as well as those who rationalise such brutal murders as in the scenario of the forbidden tradition of sati.¹⁷

This is vitally needed so that young couples who resist khap panchayat decisions and marry as per their preferences are not hounded and sacrifice their lives.

(E) Constitutionality of Death Sentence

The "abolitionists" contend that all forms of death penalty are in violation of numerous constitutional requirements. They claim that Article 19 of the Constitution guarantees fundamental rights to a variety of human liberties, while these rights and liberties may be subject to legitimate limitations for a variety of reasons. The conundrum with these justifications is that they must be both fair and in the public good. In *Toto*, for instance, the government does not have the authority to take out all of these rights. The government cannot command a person not to talk, establish any kind of organization, migrate to any area of India, dwell anywhere in India or abroad, or engage in any profession, as is the consequence of a death penalty. However, the government may stipulate that citizens' freedom of expression is acceptable if they do not say anything that could jeopardise the nation's safety. When a person is sentenced to death, the government takes away all his rights under Article 19 of the Constitution.

"Retentionists", on the other side, maintain that by imposing capital punishment, the state protects society from killers. The goal of death sentence is to limit individual liberty so that it does not continue restricted to a handful of powerful individuals. The Supreme Court ruled that sensible regulations can go all the way to outright banning. If the situation's special facts warrant it. In this case, the death penalty is not illegal even if it violates Article 19 of the Constitution in some respects¹⁸.

¹⁶ K.D. Gaur, Textbook on the Indian Penal Code, 5th ed., pg. 505, Universal Law Publishing, (2016).

¹⁷ K. D. Gaur, Honour Killings: Amendment in Law needed, p.3, Hindustan Times, (2010).

¹⁸ Zubair Ahmed Khan, 'Capital Punishment in India: Approach of the Apex Court', pg.50-83, ALJ, (2007-08).

III. LANDMARK CASES

(A) Cases on the Judicial Discretion:

- **Ediga Anamma v. Andhra Pradesh** - The defendant, a 24-year-old married lady who had been booted out of her partner's home by her father-in-law and was residing with her family and her sole kid. She had become involved with a middle-aged widower who was having an affair with another young woman, the departed, at the same time. She murdered her opponent as well as the victim's tiny infant with a chisel, as if she were a jealous lover. She also burned the person's face, which she deformed. She laid the child's body to rest. The defendant then admitted her crime to authorities, which revealed the presence of the child's body, a pile of burned clothing, and the chisel, among other things¹⁹.

The defendant was prosecuted for murder under section 302 of the IPC and for manipulating proof to vanish under section 201 of the IPC. The trial court found her convicted and sentenced her to death, which the High Court upheld. The Supreme Court, on appeal, lowered the sentence to life imprisonment, based on the defendant's age and other reasons.

- **Jagmohan Singh v. State of Uttar Pradesh** - For example, it was argued on behalf of the petitioner in Jagmohan Singh v. State of Uttar Pradesh that the assignment of legislative authority to justices is substantially affected by the fault of disproportionate delegation, and so it is 'ultra vires' of the Constitution's stipulations. The Supreme Court rejected the appellant's argument, holding that the legislation's strategy is to fix a maximum sentence for most offences, which is destined only for the worst circumstances, and to keep it to the judge's discretion to determine whether the conviction granted in a specific case should reach or fall away from the threshold point. The use of discretion is a question of wisdom rather than legal knowledge.

The Supreme Court determined that courts have been effectively executing out this major responsibility under the Code for decades. The inability of setting guidelines lies at the heart of criminal law, which grants courts broad leeway in determining the severity of penalty. Superior courts have the power to remedy any inconsistencies in sentencing. The Court went on to say that it is difficult to place any exact criteria for deciding a punishment in any specific circumstance. This must be evaluated based on the information and evidence of the case, and no single norm can be applied²⁰.

- **Shri Bhagwan v. State of Rajasthan** - *"In dealing with criminal matters where death sentence is prescribed in law as punishment for the crime, the courts are required to answer*

¹⁹ Ediga Anamma v. Andhra Pradesh, AIR 1974 SC 799.

²⁰ Jagmohan Singh v. State of Uttar Pradesh, AIR 1973 SC 947.

new challenges as the object has to be not only to protect the society at large, but to impose appropriate sentence lest there should be a tendency to undermine public confidence in the criminal justice system," the apex court decided on May 4, 2001 under this case²¹.

(B) Cases on the 'Rarest of Rare' test

- **Laxman Naik v. State of Orissa** - In this dispute from Orissa, the Supreme Court decided that a deliberate, cold-blooded killing of a child of a very delicate age after perpetrating rape upon her fell into the classification of the rarest of rare, demanding no penalty other than the death penalty under section 302 IPC. In this case, the defendant, who is none other than an 'agnate' and family uncle of the dead victim who unfortunately succumbed to his sexual desire, is charged with committing a vicious and ruthless killing by a despicable and monstrous act of morally reprehensible character in a secluded spot in the woods on the afternoon of February 17, 1990. According to the court, the act shocks not only the legal morality, but everybody else with even the tiniest understanding of emotional value, specifically blood relatives and broader society²².

- **Kheraj Ram v. State of Rajasthan** - The Supreme Court decided that the killing of defenceless women and children perpetrated in an extraordinarily brutal, harsh, and diabolical fashion without regret calls for the most severe punishment of capital punishment, as one of the unusual and uncommon situations. The defendant, fearing his wife's faithfulness and assuming that she did not have the children via him, violently attacked his wife, two kids, and brother-in-law while they were all sleeping on the particular evening. All of the individuals were killed as a result of their wounds. The supreme court, in rejecting the petition, stated that the proof on hand establishes that the defendant premeditated and painstakingly carried out his plot to kill them. The complete sequence of events and conditions amounted to the unavoidable inference that he intended to kill, and that the guilty had not reacted on the heat of the moment. He had consumed 'chilam' with such tranquilly immediately after the heinous conduct that it did not even raise any human component in him²³.

- **Gurmeet Singh v. State of Punjab** - In this particular instance, the supreme court has held that where the appellant, along with a co-accused (who died during the trial), murdered 13 people of his own household, which would include his father, brothers, brother's wife, and small children, some of whom were under the age of ten, in the middle of the night while they were sleeping on a weak foundation, the capital punishment imposed by the trial judge and

²¹ Shri Bhagwan v. State of Rajasthan, AIR 2001 SC 2342.

²² Laxman Naik v. State of Orissa, AIR 1995 SC 1387.

²³ Kheraj Ram v. State of Rajasthan, (2003) 8 SCC 244.

affirmed by the High Court could not be commuted to life imprisonment. This is one of the rarest of circumstances where the only suitable sentence is death²⁴.

(C) Cases on Honour Killings

- **Bhagwan Das v. Union Territory of Delhi** - The Supreme Court urged the judges to see 'honour killings' as an uncommon and exceptional group for offenders receiving the death sentence in a recent judgement issued in May 2011. While listening to Bhagwan Das's plea. Justices Markandey Katju and Gyan Mishra, who are contesting his life sentence imposed by a Delhi sessions court for killing his daughter because she was reportedly having an illicit connection with her cousin ignoring the fact that she was married, said:

"Many people believe they have been disgraced by the behaviour of a young man or woman who is related to them or belongs to their caste because he or she is marrying against their will or having an affair with someone, and as a result, they take the law into their own hands and kill or physically assault such persons."

"If someone is not happy with the behaviour of his daughter or another person who is his relation or of his caste, the most he may do is cut off social contacts with her/him," the judges wrote. *"But he cannot take the law into his own hands by committing violence or threatening violence."*

"To avoid the wrath of kangaroo courts, many young couples who fall in love are forced to seek shelter in police lines or protective homes," Justice Katju wrote in the judgement. Das was allegedly enraged by his daughter, who had left her husband Raju and was having an adulterous affair with her cousin, Sriniwas, according to the prosecutors. On May 16, 2006, he strangled her with an electrical cable and attempted to cremate her corpse when the police came to arrest him.

The districts court sentenced Dass to life in prison relying on credible evidence and his mother's first declaration that her son murdered her granddaughter. The High Court maintained the sentence, and the prisoner appealed to the Supreme Court.

(D) Cases on Constitutionality of Death Sentence

- **Attorney General of India v. Lachma Devi** - The desire for retribution is not uncommon. For egregious offences, the capital punishment is the best punishment.

In the not-too-distant past, the Rajasthan High Court, mindful of the severity and moral wrongness of dowry crimes, sentenced Lachma Devi, a mother-in-law, to be publicly hanged

²⁴ Gurmeet Singh v. State of Punjab, 2005 Supreme Today 571.

after being found guilty of inflicting a dry murder. The Supreme Court, though, reduced the death penalty to life imprisonment²⁵.

- **Dhananjay Chatterjee v. Union of India** – In which the Supreme Court stated the following –

*“The measure of punishment in a given case must depend upon the atrocity of the crime; the conduct of the criminal and the defenceless and unprotected state of the victim. Imposition of appropriate punishment is the manner in which the court respond to the society's cry for justice against the criminals. The courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime. The court must not only keep in view the rights of the criminal, but also the rights of the victim of crime and the society at large while considering imposition of appropriate punishment.”*²⁶

- **Mahesh v. State of Madhya Pradesh** – In a similar fashion, in this case, which contained multiple murders committed in a very brutal manner, the apex court held that –

*“It will be a mockery of justice if appellants are permitted to escape the extreme penalty of law when faced with such evidence and such cruel acts. To give a lesser punishment for the appellants would be rendering the justice system of this country suspect. The common man will lose faith in courts. In such cases he understands and appreciates the language of deterrence more than the reformatory jargon.”*²⁷

IV. CONCLUSION

In conclusion, it would be safe to say that murder is the worst crime against the human body and rightly so. As any sane individual would agree, taking the law into one's own hands is not a wise thing to do and should be considered forbidden. Section 300 of the Indian Penal Code attempts to distinguish itself from section 299, which is culpable homicide by stating the much more serious weightage that it holds and its subsequent need for much more graver acts of crime.

It is also reasonable to conclude that the shift from considering capital punishment as the norm for punishment for murder to life imprisonment has been a rather fruitful one and even though, it still does spark controversy often - “the rarest of rare” test does seem to serve as the middle ground, in which both “abolitionists” and “retentionists” can both agree on the death penalty. However, the execution on the matter has been poorly carried out in the recent past. The administration of criminal justice in the country is in dire situation, according to many

²⁵ Attorney General of India v. Lachma Devi, AIR 1986 SC 467.

²⁶ Dhananjay Chatterjee v. Union of India, (1998) 4 SCC 456 (462).

²⁷ Mahesh v. State of Madhya Pradesh, (1987) 3 SCC 80 (82).

committee findings and Supreme Court judgements. Scarcity of resources, obsolete inquiry methods, an overworked police force, inadequate prosecution, and poor legal assistance are just a few of the issues plaguing the administration. Because the death sentence functions within this environment, it faces the same structural and institutional challenges. As a result, the administration of capital punishment remains imperfect and susceptible to abuse. The system's inconsistencies also favour the socially and economically disadvantaged, who may lack the means to adequately contend for their privileges in a combative criminal court system. This paper believes that the current legal standpoint on the punishment for murder is apt for the present state of society, but the execution of which is not entirely acceptable. The progress made by the law on the issue has been slow, but in the right direction and should continue to be flexible and open minded to change and growth.

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