
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

CASE ANALYSIS: VIRSA SINGH v. STATE OF PUNJAB- Divisha Srivastava¹**Supreme Court of India****Equivalent Citation: AIR 1958 SC 465: 1958 Cr LJ 818****Author: V Bose****Bench: Bose, Vivian****Date of Decision: 11-03-1958**

Virsa Singh gave a hard blow to Khem Singh due to the blow Khem Singh die and Virsa Singh claim that his intension was to give bodily injury not to death of the Khem Singh. Supreme court done his justice by punishing Virsa Singh in Murder of Khem Singh.

Facts:

The appellat Virsa Singh in the fight with Khem Singh caused him injury on 13th July 1955. Accused person made an unlawful 5 people assembly and stabbed the Khem Singh into the abdomen. Due to thus incident Khem Singh's abdomen was fractured and three coils of the intestine's came out of the wounds. Khem Singh died after the incident happened on 14th July 1955 at 5pm.

The doctor said that injury was enough to cause Khem Singh death in normal or ordinary circumstances. It was concluded by the sessions court that the Virsa Singh is liable for his conduct and he should be punished with under third clause of the section 300 of the Indian Penal Code, 1860.

The Virsa Singh was trail under five more sections 302/149, and 323/149 of Indian Penal Code.

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The high court support the conviction and argued that the third clause of the section 300 of Indian penal code is not the correct code to apply in this case as it was proved that Virsa Singh gave bodily injury to the Khem Singh which was enough to cause the death of Khem Singh.

The third clause of the section 300 of Indian penal code states that “*Culpable homicide is the murder, if both the following gets satisfied then the act which causes death is done with the intension of causing death or done with the intension of causing bodily injury*”.

Sessions Court Judgement:

Based on the age of the Virsa Singh that is 21 to 22 years old he was treated as adult and punish according to the law.

The sessions court said the death of the Khem Singh was because of the bodily injury caused him by the Virsa Singh during the fight.

Based on the fact's sessions court said Virsa Singh should be punished with the third clause of the section 300 of Indian penal code, 1860.

High Court Judgement:

The judges of the high court states that the whole incident was happened suddenly without any intension to kill the person but to give bodily injury to Khem Singh and Virsa Singh admitted his conduct also.

Virsa Singh would be liable under section 300 of Indian penal code, 1860.

Arguments Involved:

It was argued that the facts set above does not disclose the offence of murder but amounting to murder as there was no intention to kill Khem Singh.

Section 300 of the Indian Penal Code, 1860 states that “*Culpable homicide not amounting to murder that is there is no intension to kill the person but to bodily injure*”.

Arguments states that if it is done with the intention to bodily injury not to kill Khem Singh then the case should be culpable homicide not amounting to murder under section 300 of Indian penal code, 1860.

It was said that the intention that section requires must be related not only to bodily injury but to cause of death and the bodily injury was sufficient to cause death of the Khem Singh.

Issues Involved:

1. Did third clause of the Section 300 of Indian Penal Code, 1860 fitted in this case?
2. Does this case related to culpable homicide not amounting to murder?
3. Is there any intention to kill Khem Singh or not?
4. Is the death being accidental?

Supreme Court Judgement:

The supreme court states that the arguments in high court and session court were disappointing. The court states that when there is the intention to bodily injure a person which causes death to that person in the ordinary course of the nature to the cause of death. Then, the intention maybe to kill that person and in those circumstances the third clause of the section 300 of Indian penal code, 1860 was unnecessary as the Act and this case would fall under first clause of the section.

The third clause of the section 300 of Indian penal code 1860 states that "*The act done to give bodily injury is not amount to murder it amounts to culpable homicide not amounting to murder but to give bodily injury to a person*". Which is not applicable in the case of Virsa Singh and Virsa Singh is liable for the murder of Khem Singh.

The first clause of the section 300 of Indian penal code, 1860 states that "*The act done which causes death of a person is intended to cause death of the person*".

Supreme court said in our opinion these two clauses are disjunctive and separate. The first clause is subjective to the offender:

In first it was found that there was a bodily injury to Khem Singh by Virsa Singh and the nature of the injury causes Khem Singh death. These are the pure facts where no need of discussion more that Khem Singh die due to the act of murder done by the Virsa Singh.

“Intent to cause bodily injury to someone is enough to cause death of that person”.

Court get Dismissed.

Final Judgement

The court dismissed the appeal files by the appellant and punished him according to the law.

Analysis

The supreme court was correct in his reasoning that “if there is an intension to give bodily injury there must be an intension to give death”.

The sessions court and high court wrongly read the clause three of the section 300 of Indian penal code,1860 and assumes that the Virsa Singh is not liable for the murder but for the culpable homicide not amounting to Murder.

The doctors record after observing the Khem Singh situation was it is so obvious that the person is killed by someone has his internal intestine got out of the body because he was hit so hard with something. Doctor said After getting this much injured Khem Singh has die naturally because the blow was that hard due to which his body stops responding.

I totally agree with the judgement of the supreme court that when the person keeps the intension to harm someone, he must be taking the intension to kill the same. There is no defence available for the murder and no one can justify his wrong doing by giving the statement that he has no intension to kill but to give bodily injury.

Virsa Singh get punished and the justice has done with it.

Conclusion

The justice has done by punishing Virsa Singh for his Conduct. The honourable supreme court was correct in his reasoning and in giving punishment also. Virsa Singh was having intension to kill Khem Singh that’s why he blows him so hard that his intestines got out of his body.

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Using of Third clause of section 300 of Indian penal code,1860 was incorrect in this case as the matter is of murder not just bodily injury, supreme court has justified that not every intension to give bodily injury is the only intension to give bodily injury sometimes it became murder and that's what happen in this case.

Reference:

- <https://indiankanoon.org/doc/1296255/>.
- <https://www.delhilawacademy.com/virsa-singh-v-state-of-punjab-1958-sc/>.
- <http://www.ejusticeindia.com/virsa-singh-vs-the-state-of-punjab/>.



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