

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.



Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CASE COMMENT: DATTATRAYA V. THE STATE OF MAHARASHTRA

AUTHORED BY - DR TAUHEED ALAM¹

1. Introduction

The Indian Penal Code², a comprehensive codification of criminal law in India, delineates various degrees of culpability and corresponding punishments for acts of homicide. The legal framework distinguishes between 'murder' under Section 300 and 'culpable homicide not amounting to murder' under Section 304. The differentiation between these sections hinges on the presence of specific intentions and knowledge as outlined in Section 300. Exception 4 of Section 300, IPC, states that culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

The case of **Dattatraya v. The State of Maharashtra**³ stands as a landmark decision by the Supreme Court of India, shedding light on the nuanced application of Section 300 and Section 304 of the Indian Penal Code (IPC). This case needs analysis regarding its implications on the interpretation of culpable homicide not amounting to murder. The judgment underscores the Court's evolving stance on exceptions to murder under Section 300 IPC, making it an essential subject for legal analysis. Notably, the jurisprudence surrounding cases of spousal homicide in India has witnessed extensive legal scrutiny, particularly in instances where the method of killing involves pouring kerosene on the spouse and setting them ablaze following a quarrel.

This comment aims to provide an in-depth critique and understanding of the case through the following structured headings: facts, legal history, main legal issues, judgment, and a critical examination of the reasoning with an exploration of its broader implications.

¹ Assistant Professor (Senior Scale), School of Law, UPES, Dehradun

² Indian Penal Code 1860 has been replaced by the Bhartiya Nyaya Sanhita, 2023.

³ Criminal Appeal No. 666/2012

2. Description/Background Information

a) Facts

This appeal before the Supreme Court arises from the final judgment and order dated November 23, 2010, delivered by the Aurangabad Bench of the Bombay High Court in Criminal Appeal No. 06/2009. In this judgment, the appellant's conviction under Sections 302 and 316 of the Indian Penal Code (IPC) was upheld. The appellant was sentenced to life imprisonment for the offense under Section 302 and 10 years of rigorous imprisonment for the offense under Section 316, along with fines of ₹5,000 and ₹2,000, respectively.

The facts of the case are as follows: The appellant, who was 32 years old in 2007, was married to Meenabai Dattatraya Gawali, aged 30 at the time of the incident. Meenabai, who was nine months pregnant, tragically lost her life. According to the prosecution, on the night of January 26, 2007, at approximately 10:00 PM, the appellant returned home intoxicated. An argument ensued between the appellant and his wife while she was cooking in the kitchen. During the altercation, the appellant allegedly poured kerosene on her, and as the stove burst, she sustained burn injuries which were later assessed at 98% at the hospital. She was taken to the Civil Hospital in Solapur around midnight, where the initial injury report confirmed that she had suffered burns covering approximately 98% of her body and at that time husband had drunk liquor.

Key facts include:

- The appellant and his wife had a sudden quarrel in the heat of passion.
- The appellant poured kerosene on his wife, leading to her suffering severe burn injuries and ultimately succumbing to them.
- The act was not premeditated.

The Supreme Court referred to its earlier judgment in **Kalu Ram v. State of Rajasthan**, where similar facts and issues arose. In that case, the Court had altered the conviction from Section 302 IPC to Section 304 Part II IPC, considering the lack of premeditation to cause death.

3. Main Legal Issues

The case raised the following legal issues:

1. Whether the act of the appellant fell under the ambit of murder as defined under Section 300 IPC or was covered by the fourth exception to Section 300 IPC, thereby constituting culpable homicide not amounting to murder.
2. **What are the legal and ethical implications of classifying such cases under Section 304 instead of Section 300?**

4. Judgment

The Supreme Court's decision in this case was delivered by a Bench comprising Justices Sudhanshu Dhulia and PB Varale. In this judgment, the Supreme Court has referred the leading case law of Kalu Ram V. State of Rajasthan⁴, wherein also the accused husband had killed his wife by pouring the kerosine on her and set her on fire by lighting a matchstick. on this point held that the act of the appellant was not premeditated but was the result of a sudden fight and quarrel in the heat of passion. Consequently, the Court converted the conviction from murder under Section 302 IPC to culpable homicide not amounting to murder punishable under Part II of Section 304 IPC by partly allowing the appeal. The relevant portion of the order reads as under: -

"The appeal is partly allowed. We convert the findings of Section 302 to that of Section 304 Part II of IPC and sentence the accused to 10 years of R.I. To this extent the findings given by the trial court and High Court will stand modified. We have also been informed that the appellant has already undergone incarceration for more than 10 years. Therefore, he shall be released forthwith from the jail, unless he is required in some other offence."⁵

5. Analysis

a) Critical Examination of the Reasoning

The reasoning adopted by the Court in such cases seems to be problematic, which warrants a critical analysis. For instance, in this case one of the primary reasons mentioned by the SC to overturn the offence from murder to culpable homicide not amounting to murder reads as follows:

⁴ AIR2000SC3630

⁵ Supra Note 3

“From every available evidence, which was placed by the prosecution, it is a case where a sudden fight took place between the husband and wife. The deceased at that time was carrying a pregnancy of nine months and it was the act of pouring kerosene on the deceased that resulted in the fire and the subsequent burn injuries and the ultimate death of the deceased. In our considered opinion, this act at the hands of the appellant will be covered under the fourth exception given under Section 300 of the IPC, i.e., “Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.””⁶

Furthermore, the SC reasoned that the accused has the knowledge that the act would result in death but was not premeditated, reads as follows:

*“The act of the appellant is not premeditated but is a result of sudden fight and quarrel in the heat of passion. Therefore, we convert the findings of Section 302 to that of 304 Part-II, as we are of the opinion that though the appellant had knowledge that such an act can result in the death of the deceased, but there was no intention to kill the deceased. Therefore, this is an offence which would come under Part-II not under Part-I of Section 304 of the IPC.”*⁷

The core premise the Supreme Court has on multiple occasions, including in this case erred in classifying cases of spousal immolation post-quarrel under Section 304 instead of Section 300. This misclassification is primarily predicated on the misapplication of Exception 4 of Section 300. The Supreme Court's interpretation—that such cases fall under 'culpable homicide not amounting to murder'—is argued to be inherently flawed due to several compelling reasons.

1. Applicability of Exception 4 to Section 300 IPC

The Supreme Court's application of Exception 4 to Section 300 IPC in this case appears flawed for multiple reasons. Exception 4 can only be invoked when the act in question satisfies all the criteria under the definition of murder in Section 300 IPC. The judgment, however, overlooks key considerations:

a) Voluntary Intoxication and Its Impact:

The accused was intoxicated at the time of the incident. Under Section 86 IPC, voluntary intoxication does not exempt the accused from liability unless it impairs their cognitive

⁶ Ibid

⁷ Ibid

faculties to such an extent that they are incapable of understanding the nature of their act or distinguishing right from wrong.

In this case, there was no evidence suggesting that the accused's state of intoxication met this threshold. Thus, the Court should not have diluted the intent requirement under Exception 4. The voluntary drunken state could have been considered only as a mitigating factor during sentencing, not as a basis for downgrading the conviction.

b) Definition of Murder Under Section 300 IPC:

For the act to be classified as murder, it must meet one of the scenarios under Section 300 IPC. The accused's actions—pouring kerosene and setting his wife on fire—demonstrated intent as well as knowledge sufficient to meet the criteria of murder.

The Court's reasoning that the act lacked premeditation fails to account for the deliberate and cruel nature of the act, which surpasses the threshold for culpable homicide not amounting to murder.

2. Essential Criteria for Exception 4

The application of Exception 4 to Section 300 IPC necessitates the fulfillment of specific conditions, which were either inadequately examined or misinterpreted in this case:

1. Sudden Fight and Quarrel:

A sudden fight implies mutual violence or an exchange of force between both parties. In this case, the wife was nine months pregnant and had not engaged in any form of physical violence. A mere quarrel does not satisfy the requirement of a "fight" under Exception 4.

2. Absence of Undue Advantage:

The accused, being physically stronger and aware of his wife's vulnerable condition, took undue advantage of the situation. His actions exploited the power imbalance, contradicting the principle of equality in a sudden fight.

3. Cruel and Unusual Manner:

The act of pouring kerosene and setting a person on fire is inherently cruel and unusual. This degree of violence far exceeds the standard of conduct envisioned under Exception 4, which requires the offender to act without undue cruelty.

3. Broader Implications of the Judgment

The decision raises significant concerns about the precedent it sets and its societal implications:

1. Normalization of Domestic Violence:

By downgrading the conviction, the judgment risks normalizing severe domestic violence. It may be perceived as a lenient approach to cases where women, particularly those in vulnerable conditions, are subjected to extreme cruelty.

2. Inconsistent Application of Legal Principles:

The selective application of Exception 4 undermines the consistency of legal principles. Similar cases involving domestic violence may invoke this judgment as a basis for reduced culpability, diluting the deterrent effect of stringent laws.

Conclusion

The judgment in **Dattatraya v. The State of Maharashtra** reflects the challenges inherent in the judicial interpretation of complex criminal cases, particularly those involving domestic violence and heinous acts such as spousal immolation. While the Supreme Court sought to balance the legal nuances of culpable homicide and murder, its reasoning appears to misapply Exception 4 of Section 300 IPC. This not only risks undermining the severity of such acts but also dilutes the judicial stance on protecting vulnerable individuals from extreme forms of violence.

The decision raises broader questions about the judicial system's sensitivity to cases involving domestic violence and the need for consistency in interpreting statutory exceptions. Acts as deliberate and cruel as spousal immolation necessitate stricter scrutiny, as they often embody both intent and brutality that go beyond the scope of a "sudden fight" envisaged under Exception 4.

Recommendations

1. Judicial Reconsideration of Exception 4

The judiciary must adopt a more stringent interpretation of Exception 4 to Section 300 IPC. Cases involving acts of extreme cruelty, such as immolation, should not fall under this exception, as the deliberate and heinous nature of such acts contradicts its foundational principles.

2. Increased Judicial Training on Domestic Violence

Judges should receive specialized training to understand the dynamics of domestic violence and its impact on victims. This will enable a more nuanced application of legal principles and prevent judgments that inadvertently normalize such violence.

3. Enhanced Public Awareness and Advocacy

Efforts should be made to raise public awareness about the seriousness of domestic violence and the legal protections available to victims. Advocacy for stricter enforcement of laws and increased support for survivors can help create a societal deterrent against such crimes.

By addressing these issues, the judiciary and legislature can work together to ensure that justice is not only served but is also perceived as fair and equitable, especially in cases where the most vulnerable members of society are affected. The integrity of criminal jurisprudence hinges on its ability to protect victims while upholding the principles of justice and accountability

