

## Sudhakaran v. State of Kerala, (2010) 10 SCC 582

Penal Code, 1860

Ss. 84 and 302 - Defence of insanity - Proof required for claiming benefit of, not found - Murder trial - Existence of necessary mens rea for committing murder, established - Conviction confirmed - Held, for claiming benefit of said defence, accused would have to prove that his cognitive faculties were so impaired, at the time when crime was committed, as not to know nature of act - Herein plea taken by appellant-accused for murdering his wife was that he was suffering from paranoid schizophrenia at time of commission of murder - However, entire medical evidence produced was not sufficient to show that at time of commission of murder, appellant was medically insane and incapable of understanding nature of consequences of act performed by him - Whilst appellant had brutally and callously committed murder of his wife, he did not cause any hurt or discomfort to his child - Rather, he made up his mind to ensure that child be put into proper care and custody after the murder - Conduct of appellant before and after incident, sufficient to negate any notion that he was mentally insane so as not to be possessed of necessary mens rea for committing murder of his wife - Thus, his defence under S. 84, held, not proved, (2010) 10 SCC 582-A

Penal Code, 1860

S. 84 - Plea of insanity - Standard and burden of proof required to be discharged by accused for getting benefit under S. 84 - Principles restated, (2010) 10 SCC 582-B

Penal Code, 1860

S. 84 - Act of a person of unsound mind - Crucial point of time for ascertaining existence of circumstances bringing case within purview of S. 84 - Held, is the time when the offence is committed, (2010) 10 SCC 582-C

Penal Code, 1860

S. 84 - Defence of insanity - Position of law in English legal system, considered - Held, S. 84 clearly gives statutory recognition to defence of insanity, as developed by common law of England, rendered in M'Naghten case, (1843) 8 ER 718 (HL), (2010) 10 SCC 582-D

Penal Code, 1860

S. 302 - Murder trial - Appreciation of evidence - Conviction confirmed - Appellant-accused murdered his wife, by assaulting her with a chopper on her neck, in bedroom of his house, for allegedly cheating on him - Held, prosecution relied on oral evidence given by PWs 1 to 12 (neighbours, doctor, police personnel etc.) - Prosecution also produced bloodstained chopper, which was recovered from appellant, and shirt and dhoti worn by appellant at relevant time, before court - Articles recovered from body of deceased, which included nightgown, undergarments and gold ornaments, worn by her at the time of murder, were also produced - All recovered articles were sent for forensic examination - Prosecution relied upon forensic report, which revealed that all items examined, contained human blood - Post-mortem certificate revealed nine injuries on body of deceased - PW 9 (doctor who conducted post-mortem) opined that those injuries could be caused by attack with a weapon (chopper herein) which was seized from appellant - He also opined that there were wounds on palm and fingers of deceased, which indicated that she was defending herself, therefore, she was attacked while she was awake and not when she was asleep - Injuries noted by doctor indicated that appellant caused death of his wife, by attacking her with chopper - PWs 1 and 5 (neighbours of appellant) clearly stated how appellant approached them with a chopper soaked in blood in one hand and his 8 months old son in the other arm - Bloodstained chopper remained in possession of appellant, till he was asked to put the same on ground - After entrusting his child to PW 3 (another neighbour), appellant went away - Dead body of his wife was discovered by neighbours, which was soaked in blood - Ocular evidence has been corroborated by medical evidence - All circumstances chillingly point towards guilt of

appellant - Both courts below correctly concluded that circumstances lead to the only conclusion that appellant committed murder of his wife - Therefore, appellant's conviction, confirmed, (2010) 10 SCC 582-E