

Rameshbhai Chandubhai Rathod (2) v. State of Gujarat, (2011) 2 SCC 764

Penal Code, 1860

Ss. 376, 302, 363 and 366 - Rape and murder of child by watchman - Death sentence - If warranted - Appellant-accused aged about 27 years was watchman of building where deceased was residing - Death sentence imposed by trial court affirmed by High Court - Difference of opinion amongst Judges of Division Bench of Supreme Court as regards award of capital punishment in Rameshbhai (1) case, (2009) 5 SCC 740 - Possibility of rehabilitation and reformation of young offender - Uncertainty due to nature of circumstantial evidence - Hence held, death sentence cannot be maintained - Considering gravity of offence, behaviour of appellant, and fear and concern such incident generate in ordered society, death sentence commuted to life imprisonment directing that life sentence would extend to full life of appellant subject to any remission/commutation at instance of Government for good and sufficient reasons, (2011) 2 SCC 764-