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## Case Comment: Murder or Mishap: Delving into *Atmendra v State of Karnataka*

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### INTRODUCTION

The case '*Atmendra v State of Karnataka*'<sup>1</sup> deals with sections 80<sup>2</sup> and 302<sup>3</sup> of IPC. In the context of the legal framework, it is crucial to understand two fundamental concepts. The first revolves around accidents that occur during lawful activities. Essentially, the law recognizes that unintended events or mishaps that arise without criminal intent while engaging in lawful actions carried out with due care do not typically qualify as offenses.

The term 'murder' in legal terms refers to the intentional and unlawful killing of another human being. Section 302<sup>4</sup> establishes this offense's gravity and prescribes its punishment. If a person is found guilty of murder under Section 302<sup>5</sup>, they can face the death penalty or imprisonment for life, along with the possibility of being fined. The severity of the punishment outlined in

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<sup>1</sup> *Atmendra v State of Karnataka* (1998) 4 SCC 256

<sup>2</sup> Indian Penal Code 1860, s 80

<sup>3</sup> Indian Penal Code 1860, s 302

<sup>4</sup> *Ibid*

<sup>5</sup> *Ibid*

Section 302<sup>6</sup> reflects society's recognition of the heinous nature of intentionally taking another person's life.

## FACTS OF THE CASE

This case starkly illustrates how a seemingly trivial dispute escalated into a horrendous murder within a family. The incident revolved around a disagreement over coconuts being plucked from a disputed tree, tragically leading to the death of Ashok Hegde, the appellant's uncle and the brother of Ganapati, a practicing lawyer. Despite residing in neighboring houses, the relationship between the brothers had soured to the extent that a legal case was already underway involving one of their sons. The dispute centered on a coconut tree in the backyard shared by both houses. While ownership of the tree was contested, it was agreed that neither brother should pluck coconuts from it until the matter of ownership was resolved. However, each was permitted to gather coconuts that fell on their respective sides of the backyard.

On the fateful day, Ashok, his wife, and two servants observed a man named Vittal Bhandari plucking coconuts from the tree and throwing them down. The appellant and his father were present, watching from a raised platform behind their house. Ashok and his group confronted Bhandari about his actions. During the argument, Ganapati encouraged the appellant to deal with Ashok, alleging his arrogance. The appellant further brought out a gun and threatened to shoot Ashok. Suddenly, a gunshot rang out, resulting in Ashok's immediate death. As a result of this incident, both the appellant and Ganapati were charged and brought to trial. The appellant's defense was based on the claim that Ashok had swung a reaper at him, prompting him to dodge the blow. In doing so, the appellant stated that the gun he held inadvertently discharged, the bullet striking Ashok.<sup>7</sup>

## LEGAL ISSUES

1. Whether the deceased was shot by the appellant, inflicting his death, or if the deceased's swing of the reaper caused the pistol to discharge.
2. Whether the decision of the Karnataka High Court was justified.

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<sup>6</sup> *Ibid*

<sup>7</sup> *Atmendra v State of Karnataka* (1998) 4 SCC 256

## **PROCEDURAL HISTORY**

Based on the meticulous examination of the evidence conducted by the Trial Court, a distinct intention to discharge the firearm with purpose emerged. While the Trial Court did not find merit in the appellant's claims of acting in self-defense, they did entertain the possibility of an accidental discharge, leading to the appellant's acquittal. Subsequently, upon the State's appeal in the High Court, a discerning observation emerged: the gunshot did not arise from the reaper's impact on the gun, but rather from a deliberate and premeditated act. This pivotal distinction led to the appellant's conviction under Section 302<sup>8</sup>. In response, the appellants sought recourse in the Supreme Court.

## **OBSERVATION AND DECISION OF THE SUPREME COURT**

The Supreme Court observed that the arguments presented by the council of the appellants were not satisfactory. Among the eyewitnesses, PW 1 (the deceased's wife) stated that the appellant and his father were present when the deceased confronted Bhandari over coconut plucking. Ganapati, the appellant's father, made a remark indicating harm to the deceased. Then, the appellant fired a gunshot at the deceased, who fell and exclaimed that he was dead. Other witnesses corroborated this account. Both the trial court and the High Court accepted this evidence. The medical evidence by PW 9 (the doctor who conducted the post-mortem) showed gunshot wounds consistent with intentional firing. The ballistic expert, PW 14, supported this, indicating the firing was intentional and not from a short distance.

The defence of accidental firing was not credible for several reasons. First, the act lacked the conditions for accidental discharge under Section 80<sup>9</sup>. Secondly, the reaper mentioned by the appellant was not found at the crime scene, according to the evidence. Thirdly, the High Court observed the gun's characteristics and operational possibilities. The court found that the appellant's claim of accidental firing, supported by evidence, did not align with the gun's design and features. This conclusion was based on both physical testing and the gun's structure.

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<sup>8</sup> *Ibid*

<sup>9</sup> Indian Penal Code 1860, s 80

After observing all the evidence and the judgments of the High Court and the Trial Court, the Supreme Court decided that there was no legal flaw in the High Court's judgment, and hence the appeal was dismissed.<sup>10</sup>

## ANALYSIS

The Supreme Court and The High Court's judgment pointed to some bare essentials to prove whether this situation would fall under section 80<sup>11</sup> or 302<sup>12</sup>. Firstly, to prove whether there was an intentional motive to use the gun, the Trial Court and the High Court carefully examined all the evidence and the testimonies of the witnesses and established that at the provocation of Ganapati, the appellant fired the gun at the deceased and there was an evil intent to harm the deceased.

The second issue dealt with by the court was whether this firing was an accident. The Karnataka High Court laid down some essentials of an accident. To claim the benefit of an accident/misfortune, one needs to prove that:

- That the act committed was without any criminal intent or knowledge;
- That the act done was in a lawful manner and for lawful means;
- That the act was done with proper care and caution.

All these three essentials were not fulfilled as the act was intentional, and there needed to be proper care and caution exercised by the appellant.

The third issue was whether the gunshot resulted from the reaper thrown at the gun. The court closely examined the shotgun, providing measurements of its different parts. It mentioned that the shotgun's barrel length was approximately 4 feet, well above the waist of an average person. The court also examined the hammer mechanism, noting that even with a firm finger push, the hammer did not release. It only released when the trigger was pulled, and a semi-circular metallic cover protected this trigger. The court stated that it was impossible for an external object

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<sup>10</sup> *Atmendra v State of Karnataka* (1998) 4 SCC 256

<sup>11</sup> Indian Penal Code 1860, s 80

<sup>12</sup> Indian Penal Code 1860, s 302

(reaper) to hit the trigger and cause the hammer to release accidentally. Lastly, no reaper was found at the site, which could have been thrown at the gun.<sup>13</sup>

Therefore, it was clear that firing the gun was an intentional act with criminal intent attracting punishment under section 302<sup>14</sup>. Further, in the case of 'Sukhdev Singh v Delhi State (Govt. of NCT of Delhi)'<sup>15</sup>, the accused shot the deceased after altercations broke out between the two; the first shot hit another person on his thigh, and the second shot hit the deceased, and he collapsed there only. The accused then took the defense of the accident and claimed that the people who joined the deceased tried to drag the accused and take away his pistol, and in the process of all this, two accidental shots occurred. Further, the High Court and the Supreme Court relied on the three principles of the accident given in the case of *Atmendra v State of Karnataka*. They decided while observing the facts that the gunshots were not a result of an accident.

In *Brijpal Singh v State*<sup>16</sup>, the petitioner was convicted under Section 304A of the Indian Penal Code (IPC) for causing the death of a taxi driver by firing a SAF Gun. The incident occurred when the petitioner, a police constable, handed over the gun to the accused while seeking permission to attend to nature's call. The gun accidentally discharged, resulting in the death of the victim. The court referred to the *Atmendra* case to establish the legal framework for considering whether the petitioner's act fell within the scope of Section 80<sup>17</sup>. The court concluded that the petitioner's actions did not meet the conditions outlined in Section 80<sup>18</sup>, as there was a lack of proper care and caution in handling a dangerous weapon, resulting in a tragic accident. Therefore, the petitioner could not claim the protection of Section 80<sup>19</sup>, and he was convicted under Section 304A of the IPC.<sup>20</sup>

In *Shajahan v State of Kerala*<sup>21</sup>, The incident occurred on 13 December 2003 at approximately 7:20 p.m. The appellant drove a jeep along the Mundkayam-Poonjar road, subject to a hire-

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<sup>13</sup> *State of Karnataka v Atmendra* (1992) SCC OnLine Kar 146

<sup>14</sup> Indian Penal Code 1860, s 302

<sup>15</sup> *Sukhdev Singh v Delhi State (Govt. of NCT of Delhi)* AIR 2003 SC 3716

<sup>16</sup> *Brijpal Singh v State* (2009) SCC OnLine Del 3937

<sup>17</sup> Indian Penal Code 1860, s 80

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

<sup>20</sup> Indian Penal Code 1860, s 304A

<sup>21</sup> *Shajahan v State of Kerala* (2022) SCC OnLine Ker 1167

purchase agreement. At Kavali junction, an obstacle consisting of wooden logs and rocks had been placed across the road, unbeknownst to the appellant. Despite this obstacle, the appellant continued driving recklessly, resulting in a tragic collision with Sri Kurian Mathew, causing his death. Subsequently, the appellant was charged with culpable homicide under Section 304<sup>22</sup> and other related offenses.

The judgment in this case delves into Section 80<sup>23</sup> of the IPC and the legal precedent set by the *Atmendra v State of Karnataka* case. The *Atmendra* case clarified that to claim the benefit of Section 80<sup>24</sup>, it must be established that the act in question lacked criminal intention or knowledge, was carried out lawfully, and was executed with proper care and caution.

In the present case, the prosecution had accused the appellant of driving recklessly with the knowledge that it might lead to harm. However, the appellant successfully argued that he had no prior knowledge of the road obstruction created by others. The judgment concluded that the prosecution failed to prove that the appellant had driven the vehicle without due care and caution. The unexpected presence of the road obstacle contributed to the accident, and the appellant was unaware of it.

As a result, the appellant could rebut the presumption against him and demonstrate that the incident qualified as an accident under Section 80<sup>25</sup> of the IPC. Consequently, the appellant was acquitted of the culpable homicide charge under Section 304<sup>26</sup>, as the prosecution did not satisfy the necessary elements for establishing culpable homicide.

## CONCLUSION

In conclusion, the case of '*Atmendra v State of Karnataka*'<sup>27</sup> sheds light on the intricate aspects of legal interpretation surrounding intentional acts, accidents and criminal liability. The tragic incident that unfolded from a seemingly minor disagreement over coconuts resulted in a heinous murder within a family. The case hinged on crucial legal distinctions between

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<sup>22</sup> Indian Penal Code 1860, s 304

<sup>23</sup> Indian Penal Code 1860, s 80

<sup>24</sup> *Ibid*

<sup>25</sup> *Ibid*

<sup>26</sup> *Shajahan v State of Kerala* (2022) SCC OnLine Ker 1167

<sup>27</sup> *Atmendra v State of Karnataka* (1998) 4 SCC 256

intentional acts and accidents under the Indian Penal Code (IPC), specifically Sections 80<sup>28</sup> and 302<sup>29</sup>.

The courts meticulously examined the evidence, testimonies of witnesses, and the physical characteristics of the gun involved. The appellant's claim of accidental firing was thoroughly scrutinized against the backdrop of legal criteria for accidents. The Karnataka High Court's observation of the gun's design and operational mechanics played a pivotal role in debunking the appellant's claim, highlighting the implausibility of an external object triggering the gun unintentionally.

The Supreme Court's decision underscored the importance of intent, care, and proper judgment in differentiating between culpable actions and unforeseen mishaps. The case establishes that when an act is intentional, performed with a criminal motive, and lacks the elements of care and caution, it falls within the ambit of Section 302<sup>30</sup>, signifying murder. The judgment reaffirms the legal principle that the gravity of intentionally taking another person's life warrants severe consequences including the possibility of the death penalty or life imprisonment.

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<sup>28</sup> Indian Penal Code 1860, s 80

<sup>29</sup> Indian Penal Code 1860, s 302

<sup>30</sup> *Ibid*