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## A Conviction Without Consistency: Narayanan Nair Raghavan Nair v The State of Travancore-Cochin

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*In this case, the Supreme Court rightly identified that the accused's case does not fall into exception 4 of section 300 and upheld the conviction under section 302, Indian Penal Code, 1860, for murdering Ayyappan, but at the same time commuted his death sentence to transportation for life. The main contention of this paper is that the court's reasoning for this commutation is inconsistent. The court was correct in identifying that since Ayyappan was a bystander, exception 4 to murder will not apply, but ended up using spontaneity and the accused being a "hot-blooded man" to reduce the sentence. This contradiction of rejecting a defence on legal grounds and then borrowing its reasoning for sentencing leniency reflects a flaw. This paper argues that stabbing a bystander twice, even if done by a "hot-blooded man", is not grounds to extend judicial sympathy.*

**Keywords:** *section 300, Ayyappan, hot-blooded man, bystander.*

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### INTRODUCTION

Criminal sentencing is an expression of how much moral weight a court assigns to the accused's actions, the victim's nature, and the surrounding circumstances. When the court has identified that the offence committed by the accused is not covered by any exception or defence, then the

procedure of sentencing should be accordingly. Not following this will allow the rejected reasoning to re-enter and affect the sentence.

Narayanan Nair Raghavan Nair v State of Travancore-Cochin demonstrates this problem. In the Supreme Court judgment given by J. Vivian Bose, Raghavan's conviction for murder was upheld, and the exception to murder u/s 300 (4) was rightly rejected. The court found that the deceased, Ayyappan, was not involved in the fight between Raghavan and Velayudhan. Neither did he make any threatening gesture, and he was merely asking to stop the fight when he got stabbed. Nevertheless, his punishment from the death sentence was decreased to transportation for life because the court found that a slap on the face of a hot-blooded man like the accused made him lose self-control.

This paper argues that the court's reasoning for commutation in punishment is internally inconsistent and morally unacceptable. Exception 4 to murder clearly says culpable homicide is not murder. This paper is divided into four parts: factual summary and legal background, key holdings of the court, a critical analysis of the court's reasoning for decreasing the sentence, and a conclusion.

## **FACTUAL SUMMARY AND LEGAL BACKGROUND**

**Facts:** The case originated amid a civil partition proceeding. The property dispute was between Ayyappan and his grandmother, Parvathi Amma, for partition and separate possession of her share in her son's estate. She assigned her interest to her daughter, Parvathy Lakshmi Amma, the widow of the deceased Ayyappan. One day, while survey and measurement of the property were in progress, the accused and his brother came and started abusing and pelting stones at Velayudhan Nair, son-in-law of the deceased.

To this, Velayudhan retaliated by slapping Raghavan on the face, which led to a minor scuffle between them. One Krishna Nair came up and tried to separate the while Ayyappan just asked his son-in-law not to engage in a quarrel. At that moment, Raghavan took out a pen knife from his pocket and stabbed Ayyappan twice, and the blow to the chest proved to be fatal. The main accused's brother, Bhaskaran, also stabbed Ayyappan in the back with another knife; this wound was not fatal. These findings were completely agreed upon by the court.

**Legal Background:** Section 300, IPC defines when culpable homicide amounts to murder and under what exceptions the act will fall into culpable homicide not amounting to murder. Section 300 thirdly states that culpable homicide is murder if the act was done with an intention to cause bodily injury sufficient in the ordinary course of nature to cause death.<sup>1</sup> Section 302 provides punishment for murder as death or life imprisonment with a fine.<sup>2</sup>

The defence raised two main arguments. Firstly, that the wound was not fatal and that the doctor's interference resulted in death. Secondly, it was argued that the case falls within the fourth exception u/s 300, as this was a case of sudden fight. The exception relied upon by the defence says that culpable homicide is not murder if the act was done in the absence of premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and the offender does not take any undue advantage over the victim or act cruelly or unusually.<sup>3</sup> However, none of these was supported by the medical report and evidence.

### **KEY HOLDING**

The court upheld the lower court's finding that the injury on the chest was sufficient to cause death in the ordinary course of nature; this satisfies S.300 thirdly. The court accepted the postmortem report and rejected medical negligence.

Moving on to exception 4 u/s 300, the defence failed because it requires that there should be no undue advantage taken by the offender. But in this case, stabbing an unarmed bystander clearly indicates undue advantage. Also, Ayyappan was not the one involved in a fight.

The court commuted Raghavan's death sentence to transportation for life, saying that the slap by Velayudhan made him lose self-control. The court found that there was no premeditation, and this is not the type of case for which a death sentence is called for.

### **ANALYSIS**

**The conviction under Section 302, IPC was correct:** Clause thirdly of Section 300 says that culpable homicide is murder if the act that resulted in death was done with an intention to

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<sup>1</sup> Indian Penal Code 1860, s 300

<sup>2</sup> *Ibid* s 302

<sup>3</sup> *Ibid* s 300

cause an injury and that injury is sufficient in the ordinary course of nature to cause death. It does not matter whether the accused intended to kill the person or not; just the injury that caused death must be intended.

In the instant case, the injury caused by a stab in the stomach was medically held to be sufficient in the ordinary course of nature to cause death. The intention to cause that injury is also clear from the circumstances. Thus, satisfying this clause.

Coming to exception 4 of section 300, which says culpable homicide is not murder if the following conditions are cumulatively satisfied- that the act was without premeditation, in a sudden fight, in the heat of a passion upon quarrel and above that the accused should not have taken undue advantage over the victim. For this exception, firstly, the fight should be mutual; it should be between the attacker and the deceased. This clearly failed in our case, where Raghavan and Velayudhan were engaged in a fight and a fatal attack was made on Ayyapan, a bystander who was nowhere involved in the fight and merely requested Velayudhan, his son-in-law, not to fight. Secondly, the offender should not have taken any undue advantage over the deceased. Here, as rightly pointed out by the court, stabbing an unarmed bystander who did not pose any threat is clearly an undue advantage. Hence, the court is justified in rejecting this exception.

Clearly, the accused's act amounted to culpable homicide amounting to murder and no exception being applicable, his conviction u/s 302, which is the punishment for murder<sup>4</sup>, was legally sound.

**The court's reasoning behind the commutation is inconsistent:** The paper completely agrees that a death sentence should be given in the rarest of the rare cases, as held in *Bachan Singh v State of Punjab*<sup>5</sup>. The "rarest of the rare" cases, as described in *Lehna v State of Haryana*<sup>6</sup>, are crimes that severely affect the community's collective conscience, especially when murders exhibit extreme brutality, grotesqueness, satanic nature, disgusting qualities, or complete depravity.<sup>7</sup>

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<sup>4</sup> *Ibid* s 302

<sup>5</sup> *Bachan Singh Etc v State of Punjab Etc* AIR 1982 SC 1325

<sup>6</sup> *Lehna v State of Haryana* (2002) 3 SCC 76

<sup>7</sup> Kanishk Sinha, 'Sentencing in Murder Cases - A Comparison of Judicial Response in India and Germany' (2023) 4(1) *Jus Corpus Law Journal* 683 <<https://www.juscorpus.com/wp-content/uploads/2023/12/66.-Kanishk-Sinha.pdf>> accessed 22 May 2026

Even if this was not a case that would qualify as the rarest of rare standards, the court should have given proper reasoning grounded in the gravity of the offence and condition of the victim on why it decided to commute the punishment from a death sentence to transportation for life. In another case, *Dhananjay Chatterjee v State of West Bengal*,<sup>8</sup> the Supreme Court held that the measure of punishment must be based upon the atrocity of the crime, the conduct of the criminal, and the defenceless and unprotected state of the victim, while in the present case, the court focused only on the emotional state of the accused. The court's answer on why a lesser punishment is required was "a slap on the face evidently made the appellant, who appears to be a hot-blooded man, lose control of himself". This reasoning of the court is an example of "judge-centric" arbitrariness that the Law Commission of India, in its 262<sup>nd</sup> report, seeks to eliminate.<sup>9</sup>

This is internally inconsistent as the court itself provided sound reasons for rejecting the application of exception 4. Yet, the court used the provocation from Velayudhan as a reason to be lenient in awarding punishment for the murder of an innocent person. It means the accused cannot use the exception because he caused the death of a person who was not involved in the fight, but at the same time, the reduction was made because the accused was slapped by another person and lost his control. These two propositions cannot exist together.

**"Hot-blooded man" is not an adequate criterion for commutation:** Apart from the court's reasoning being inconsistent, using the hot-bloodedness of the accused as a mitigating factor is even more concerning. Dressler, in his article, says that for mitigation to be coherent, the provocation must be connected to the person killed.<sup>10</sup>

Such a description by the court imports a character-based sympathy that nowhere justifies the killing of an unarmed innocent bystander. Raghavan consciously directed his anger from Velayudhan to someone who did not provoke him. The second blow on the stomach that ultimately resulted in Ayyapan's death, after the first one was warded off by him, reflects a degree of directed intent that is not explained by the court's reasoning of the accused losing self-control. The court should weigh the accused's mental state, but also the victim's innocence, the nature of

<sup>8</sup> *Dhananjay Chatterjee v State of West Bengal* (1994) 2 SCC 220

<sup>9</sup> Law Commission, *Report No. 262: The Death Penalty* (Law Com No 262, 2015)

<sup>10</sup> Joshua Dressler, 'Rethinking Heat of Passion: A Defense in Search of a Rationale' (1982) 73(2) *Journal of Criminal Law and Criminology* 421

<<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6302&context=jclc>> accessed 22 May 2026

the crime and relevant circumstances.<sup>11</sup> In India, courts are provided a flexible sentencing network, which the judges are required to use and provide appropriate punishment for each case. In this case, the court did not balance the factors properly.

## **CONCLUSION**

The case, *Narayanan Nair Raghavan Nair v State of Travancore-Cochin*, is a case where the court reached a correct verdict using justified reasoning but then undermined it by commuting the punishment with inconsistent reasoning. The court rightly found that the accused is not covered by exception 4 as the victim was not the one involved in the fight. Moreover, the accused took an undue advantage. The court's "hot-blooded man" reasoning is not a legally sound basis to mitigate the sentence. While a death sentence might not have been an adequate punishment in this case, the court's reasoning for reducing the sentence was surely not adequate. Judicial reasoning should be consistent and legally sound.

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<sup>11</sup> Rahul Saini, 'Punishments and Judicial Response - A Critical Review' (2021) 2(2) *Jus Corpus Law Journal* 486 <<https://www.juscorpus.com/wp-content/uploads/2022/02/133.-Rahul-Saini.pdf>> accessed 22 May 2026