



UTTAR PRADESH

Judicial Services Exam

CIVIL JUDGE (Junior Division)

Uttar Pradesh Public Service Commission (UPPSC)

Judgement

Volume - 3



UTTAR PRADESH JUDICIAL SERVICES

CONTENTS

1.	Indian Constitution	1
2.	Indian Contract Act, 1872	6
3.	Negotiable Instrument Act, 1881	6
4.	Specific Relif Act, 1963	7
5.	Transfer of Property, 1882	8
	• Tanu Ram bora Versus Promod Ch. Das (d) Through Lrs. And Others	10
	• Ganesan (d) Through lrs Versus Kalanjiam And others	15
	• Sopan (dead) Through his L.r. Versus Syed nabi	18
6.	Indian Penal Code	26
7.	Limitation Act, 1963	29
8.	Indian Evidence, 1872	29
	• Jagdish Chand and Anr. Versus state of Haryana	34
	• Devi Lal Babula Versus State of Rajasthan	36
	• Sukhpal Singh Versus State of Punjab	38
	• Kripal Singh Versus State of Rajasthan	45
	• Laltu Ghosh Versus State of west Bengal	46
	• Mahendran Versus State of Tamil Nadu with Ravi Gopu and Ors. Versus State Represented by the deputy Superintendent of police	51
	• Digamber Vaishnav & Anr. Versus State of Chhattisgarh	53
	• Pattu Rajan Versus The state of Tamil Nadu	59
	• State of MP and Ors. Versus Bunty	71
	• Sampat babso Kale & Anr. Versus The state of Maharashtra	72

• Sadayappan @ Ganesan Versus State, Represented by inspector of police	76
• Poonam bai Versus The state of Chhattisgarh	80
• State of Karnataka lokayukta police station, Bengaluru Versus M. R Hirematha	82
• Kamlakar Versus State of Maharashtra	91
• Ramesh dasu Chauhan and Another Versus The state of Maharashtra	95
• Shaym @ shyamu & Anr. Versus State of Delhi and Gyan chand @ sethi Versus State	106

9.	Indian Penal Code, 1860	119
-----------	--------------------------------	------------

• Mahadevappa Versus State of Karnataka	128
• Yogendra @ jogendra Singh Versus State of Madhya Pradesh	131
• Rajesh Versus State of Haryana (2019 sc)	136
• Nawaz Versus The State rep. By Inspector of police	139
• Ramji V. State of Punjab (2019 sc)	141
• State of Uttar Pradesh Versus Faquirey	145
• Mala Singh Andhons versus State of Haryana	147
• Gagan kumar Versus the State of Punjab	154
• Balvir Singh Bhav Singh Harnam Singh Versus State of mp	156
• State of Madhya Pradesh Versus Harjeet Singh and Another	164
• Dnyaneshwar Suresh Borkar Versus State of Maharashtra	166
• Thangasamy Versus State of Tamil Nadu	168
• Jagdish Versus State of Madhya Pradesh	171
• Sukumaran Versus State rep. By the Inspector of police	174
• Sachin Kumar Singhrraha Versus State of Madhya Pradesh	180
• Ganga Prasad Mahto Versus State of Bihar and Anr. (2019 SC)	183
• Rupali Devi versus State of Uttar Pradesh and ors.	184
• Anurag Soni Versus State of Chhattisgarh (2019 sc)	187
• The State of Rajasthan versus Kanhaiya Lal	193
• Ashok Kumar Mehra and anr. Versus The State of Punjab, etc.	197
• Union of India Versus Dharam pal	199
• Nagji Odhavji Kumbher and Anr. Versus State of Gujarat (2019 sc)	205
• Jagdishraj Khatta Versus State of Himachal Pradesh	209
• Vikarm Johar Versus The State of Uttar Pradesh & anr.	212
• Govind Singh Versus The State of Chhattisgarh	218

• Rashmi Chopra Versus The state of Uttar Pradesh and anr. With Anita Gandhi Versus The State of Uttar Pradesh and anr. With Nayan Chopra Through power of Attorney holder Rajesh Chopra Versus The State of Uttar Pradesh and anr. With Amit Chopra Versus The state of Uttar Pradesh and anr. With Kuldeep Gandhi Versus The State of Uttar Pradesh and anr. With Rajesh Chopra Versus The State of Uttar Pradesh and anr.	220
• Birla corporation Limited Versus Adventz investment and holding limited	230
• Omanakuttan Versus The State of Kerala	231
• Guman Singh Versus State of Rajasthan	236
• Central bureau of Investigation Versus Sakru mahagu Binjewar and ors. Etc.	241
• Kaushal Kishore Versus State of Delhi nct	251
• State of Madhya Pradesh Versus Kalicharan and Ors.	256
• Vijay Kumar Gupta, & Muneshwar Dayal Versus State of u.p.	257
• Anita Suresh Versus Union of India & Ors. (delhi high court)	263
• Pratap singh @ Picki Versus State of Uttarakhand	268
• State of Rajasthan Versus Mahesh Kumar @ Mahesh Dhaulpuria & anr.	274
• Wasim Versus State of Delhi nct	280
• Umesh Lilani Vs. The State of Madhya Pradesh & anr.	286
• Sanjay Rajak Versus The State of Bihar	295
• Girish Singh Versus The State of Uttarakhand	301

The Indian Penal Code, 1860			
S.No.	Case Name	Facts	Date
1.	Mahadevappa Versus Of State Karnataka	Deceased's Parents Most Are Natural In Witnesses Dowry Death.	January,7 2019
2.	Yogendra @jogendra singh Versus State of Madhya Pradesh	(Section 354(3) of Cr.P.C. Section 302 IPC Intention resulted into an more attack than severe planned which then resulted death would not fall in the rare trest cases	January 17, 2019
3.	Rajesh Versus State of Haryana (2019 sc)	Is. Read with s. 107 IPC) Conviction u/s.306 IPC is not sustainable on the allegation of harassment without There being any positive action proximate to the time occurrence on the part of the accused which led or compelled the person to commit suicide	Jan 18, 2019

4.	Nawaz Versus The state rep. By Inspector of police	Calling Wife And Daughter As Prostitute Amounts to Grave And Sudden Provocatin.	Feb 6,2019
5.	Ramji u. State of Punjab (2019 sc)	Crime committed in as much as in four stages, exhibiting unruly behaviour, then offence cannot be said to be done in a sudden provocation.	Feb 6, 2019
6.	State of uttar Pradesh Versus Faquirey	Voluntary Provocation Cannot Attract Exception to Offence of Murder	February 11, 2019
7.	Mala singh andnors.versus State of Haryana	Section 34 As well As Section 149 Of The Indian Penal Code, 1860 Deals With Liability For Constructive Criminality i.e. Vicarious Liability Of A Person For Acts Of Others.	February 11,2019
8.	Gagan kumar Versus The state of Punjab	Magistrate Shall Specify Whether Sentences Awarded Would Run Concurrently or	February 12, 2019

		Consecutively In The Order -	
9.	Balvir Singh Bhav singh harnam singh Versus State of mp	Under Sections 341, 294, 323, 302, 506B, 34 IPC	February 19, 2019
10.	State of madhya Pradesh Versus Harjeet singh and another	Merely Causing "Hurt" Is Sufficient To Attract Section 307 Indiana Penal Code, 1860 And An Injury To Be On A Vital Part' Of The Body Is Not Required.	February 19, 2019
11.	Dnyaneshwar Suresh borkar Versus State of Maharashtra	How The Poems Written By Death Convict Helped Him To Save From The Gallows?	20 February 2019
12.	Thangasamy Versus State of tamil nadu	SECTION 279, 337 and 304A of The Indian Penal Code 1860.	Feb 20, 2019
13.	Jagdish Versus State of Madhya Pradesh	Inordinate And Unexplained Delay In Deciding Mercy Petition, Commutes Death Sentence	February 21, 2019
14.	Sukumaran Versus State rep. By the Inspector of police	Section 96.106 of IPC th accused need not prove The existence of The right of Private defence Beyond reasonable	March 7, 2019

		Doubt.	
15.	Sachin kumar Singhraha Versus State of madhya Pradesh	Death Sentence Must Be imposed Only When Life Imprisonment Appears To Be Altogether Inappropriate Punishment -	March 12, 2019
16.	Ganga Prasad Mahto Versus State of Bihar and Anr. (2019 SC)	Section 376 of IPC, 1860- In Rape cases mere reliance upon the witnesses without medical examination does not offord evidence beyond reasonable doubt.	March 26,2019
17.	Rupali devi versus State of uttar Pradesh and ors.	Section-498A: Wife Has Been Given Right To Lodge Complaint Almost From Everywhere -	April 9, 2019
18.	Anurag soni Versus state of Chhattisgah (2019 sc)	Sections 90 & 376 of IPC- A promise to marry a woman, when the accused never intended to marry her from the very Inception of such promises would fall under the description Consent Of IPC	April 9, 2019

		Wis. 90 and consequently amount to Rape u/s.376 IPC.	
19.	The state of Rajasthan Versus Kanhiya lal (2019 sc)	S.302 & 304 IPC- A single blow on the vital part of body, sufficient to cause death in ordinary course of nature, attracts s.302 IPC and not s. 304 IPC	April 10, 2019
20.	Ashok kumar mehra and anr. Versus The state of punjab, etc.	Supreme Court Acquits The Accused Of Murder After 20 Years, Finding That He Was Juvenile At The Time Of Incident-	April 10, 2019
21.	Union of india Versus Dharam pal	Solitary Confinement Of Death Convict Prior To Rejection Of Mercy Petition is Palpably Illegal	April 22, 2019
22.	Nagji Odhavji Kumbher and Anr. versus State of Gujarat (2019 SC)	Sections 100, 304 & 302 of IPC- Right of private defence cannot be exercised in land unusual critel manner as to take the advantage of situation.	April 23, 2019
23.	JAGDISHRAJ KHATTA VERSUS	Section 498A and 306 IPC: Incidents which Happened Much Before Wife's	April 26, 2019

	STATE OF HIMACHAL PRADESH	Death Cannot Be Treated As Conduct Which Deove Her to Suicide-	
24.	Vikarm johar Versus The state of Uttar Pradesh & anr.	S. 227, 202, 156(3), 245 Cr.P.C; 504 Ss. 503, 506 IPC Mere Abuse In A Filthy Languages Does Not Attract of Offence Criminal Intimidation Under Section 506 IPC.	April 26, 2019
25.	Govind singh Versus The state Chhattisgarh of	If an attack made with an object in proximity of the accused would generally amount to an act done in spur of moment.	April, 30, 2019
26.	Rashmi chopra Versus The state of uttar Pradesh and anr. With Anita gandhi Versus The state of uttar Pradesh and anr. With Nayan chopra Through power of Attorney holder Rajesh chopra Versus	SECTION 498A IPC: Complaint Need Not To Be Filed By The Woman Subjected To Cruelty Herself	April, 30, 2019

	<p>The state of uttar pradesh and anr. With Amit chopra Versus The state of uttar Pradesh and anr. With Kuldeep gandhi Versus The state of uttar prsdesh and anr. With rajesh chopra versus the state of utter pradesh and anr.</p>		
27.	<p>Birla corporation Limited Versus Adventz investment And holding limited</p>	<p>Information Contained In A Document Is A 'Corporeal Property' -</p>	<p>May 9, 2019</p>
28.	<p>Omanakuttan Versus The state of kerala</p>	<p>The 'Abid' Undoubtedly A "Corrosive's Substance Within the Meaning Of Section 826 Of The Indian Renal Code -</p>	<p>May 9, 2019</p>
29.	<p>Guman singh Versus State of rajasthan</p>	<p>Section 302 and The Penal 307 of Indian Code, 1860</p>	<p>May 24,2019</p>
30..	<p>Central bureau of Investigation Versus</p>	<p>SC Dismisses CBI's Appeal Against Commutation</p>	<p>May 24, 2019</p>

	Sakru mahagu Binjewar and ors. Etc.	Of Death Penalty In A Murder Case	
31.	Kaushal kishore Versus State nct of delhi	The Charges Under Section 306 And Section Indian 498A Code, 1862 Are Independent Of Each Other And Acquittal Of One Does Not Lead To Acquittal Of The Other -	May 28, 2019
32.	State of madhya Pradesh Versus Kalicharan and Ors.	Case Of Death By Single Blow On Vital Part Of Body May Fall Under Section 302 IPC (Murder)	May 31, 2019
33.	Vijay kumar gupta, & muneshwar dayal versus State of u.p.	Ingredients for Applying Exceptions IV to Section 300	July 05, 2019
34.	Anita suresh Versus Union of india & Ors. (delhi high count)	DELHI HC IMPOSE RS. 50,000 COST ON For FALSE WOMAN FALSE FOR SEXUAL HARASSMET PLEA	July 9, 2019
35.	Pratap singh @ Picki Versus State of Uttarakhad	The principles of proportionality of sentencing policy is that a punishment should not be disproportionate ly excessive	July 12, 2019

36.	State of Rajasthan Versus Mahesh kumar @ Mahesh Dhaulpuria & anr.	CIRCUMSTANTIAL EVIDENCES	July 16, 2019
37.	Wasim Versus State nct of delhi	Section 498A IPC When Conviction by Trial Court Was Not For Dowry Demand, HC Cant Convict Accused for It Without Appreciating Evidence Record	July 18, 2019
38.	Umesh lilani Vs. The state of Madhya pradesh & anr.	Consensual Sex even after Refusal marry dose not amount to rape	July 18, 2019
39.	Sanjay Rajak Versus The state of Bihar	Failure to Recover Dead body By Itself Doesn't Entitle Accused to Benefit of Doubt	July 22, 2019
40.	Girish Singh Versus The state of Uttarakhand	Cruelty not Related to dowry cannot Be basis for Conviction under Section 304B IPC.	JULY 23, 2019

Deceased's Parents Are Most Natural Witnesses In Dowry Death.

Mahadevappa

Versus

State of karnataka,

(Supreme Court)

Judgment: Hon'ble J, Abhay Manohar Sapre, Hon'ble J, Indu Malhotra

Pronounced by: Hon'ble Abhay Manohar Sapre J.

Dated: 7 January 2019

Facts

The appellant (accused) was married to (deceased) on 04.06.1994 and on same day, younger sister of deceased was also got married to the appellant's younger brother. Soon after marriage, the deceased told her parents that appellant used to drink liquor and always asked her to bring money. She also told that the appellant used to harass and beat her for illegal demands of money. On 2.10.1995, the father of (deceased) received a message that his daughter admitted to hospital for burn injuries. On reaching hospital, deceased told him that the appellant had poured kerosene oil on her body and set her on fire. The plea taken by the appellant was that the incident was accidental and not homicidal as the deceased sustained injuries because she was near the oven when her sari caught fire.

FIR was lodged by PW, (father of deceased) against the appellant for the commission of offences under Section 498A and 302 IPC.

The session judge acquitted the appellant of all charges and held that prosecution has failed to prove the charge of dowry demand and also that death of deceased was homicidal.

The state/respondent filed an appeal in High Court and the High Court reversed the order of acquittal, and, convicted and sentenced him for life imprisonment under Section 498A and 30. IPC. Thereafter, the appellant challenged the above judgement before the Supreme Court.

Issues

1. Whether the death of deceased can be regarded as "Dowry death"?
2. Whether the death was homicide or accidental in nature?

With respect to first issue, the father of deceased (PW,) deposed in his evidence that appellant was working as a constable in state police department and was addicted to consuming alcohol daily, and, often visited to his (PW,) house in fully drunken condition. Deceased told him and his wife that appellant under the influence of alcohol used to insist her to consume liquor and dance before him undressed. His daughter told him many times that the appellant used to harass her and used to insist to bring Rs. 4000 to 5000/- from her parents. On two occasions, PW, managed to send 2000/- but third time he declined due to the poor financial capacity. Deceased also told him that she apprehends danger to her life and therefore would like to come back and stay with her parents in their house. Thereafter, with the intervention of elder members of the village, deceased agreed to go back and stay with appellant. After going there, she sent a letter to her father (PW;) mentioning the incidents of ill-treatment meted out by her husband. Deceased again made demand for 3000/- for the appellant. On 2-10-1995, a message came to him that her daughter suffered extensive burns on her body and admitted to hospital. On the reaching there, his daughter told him that appellant poured kerosene oil on her body, due to which she suffered injuries.

The Mother of deceased (PW4) also corroborated the evidence of PW,. The Son-in-Law of PW, and younger brother of appellant (PWs) deposed that appellant used to ill-treat his wife (deceased) and at times beat her also..

Therefore, it is proved that appellant used to demand money quite often and at times used to ill-treat and assault deceased and these incidents did not occur once but on many occasions, started soon after marriage which continued till deceased's death.

The said issue was decided in the Affirmative. On second issue:

1. At the time of incident the only appellant was present in the house with the deceased and the same fact was not in dispute. Ought, to, cannot be believed.

2. The evidence of investigation Officer, post mortem report, FSL report and the evidence of doctor has proved that kerosene oil was found on the body of deceased and bottle of kerosene was also lying in the room. The presence of kerosene oil on the body of deceased indicates that the same was poured other body.
3. It is not submitted anywhere in the case that the deceased has tried to commit suicide by pouring kerosene oil upon her and put herself on fire.
4. The relationship between the spouses unis not cordial and appellants always used to demand money from deceased.
5. Had it been the case of accidental death, the burn injuries sustained by the deceased would have been more on the lower part of the body rather than upon the upper Part. According to appellants, the deceased was near the oven when her sari caught fire, whereas post-mortem report shows that the burn injuries were more on her upper part and her blouse was found burnt.
6. Therefore, in the absence of any plausible explanation given by the appellants, the manner in which incident occurred and material seized from the room i.e., kerosene oil bottle and other circumstances, it is proved beyond reasonable doubt that appellants is responsible for causing death of deceased.

Therefore, the death of deceased was homicidal and not accidental.

Conclusion

The Court observed that father and mother of deceased are the most natural and material witnesses and there is no reason to discard their evidence. Newly married girl would always like to first disclose her domestic problems to her mother and father and then to her close relatives because they have access to her and are always helpful in solving her problems. Therefore, the testimony given by deceased's parents is trustworthy and reliable. Hence, appeal dismissed.

[Section 302 IPC. Section 354(3) of Cr.P.C.]

Intention resulted into an attack more severe than planned which then resulted into death would not fall in rare of the rarest cases.

Yogendra @ Jogendra Singh

Versus

State of Madhya Pradesh

3 Judges Bench of Hon'ble Supreme Court

Hon'ble S.A. Bobde, R. Subhash Reddy and L. Nageswara Rao JJ.

Dated: January, 17, 2019

Law Point

1. Concept of mitigating factors in the area of death penalty must receive a liberal and expansive construction by the courts in accord with the sentencing policy writ large in Section 354(3).
2. A real and abiding concern for the dignity of human life postulates resistance to taking a life through law's instrumentality. That ought not to be done save in the rarest of rare cases when the alternative option is unquestionably foreclosed.
3. If there is a pattern discernible across both the cases then a second conviction for murder would warrant the imposition of a death sentence.

Brief facts

In this case the deceased Ruby was married to one Mr. Sanjay Gupta and had two issues from the wedlock. The Appellant covered her and the husband suspected an affair between his wife - the deceased and the Appellant and harassed her accusing her of the same. The deceased thereafter came to live with her maternal uncle. The Appellant pressurized the deceased's father (PW 8) for summoning her to Porsa (a place) and threatened him with dire consequences if his demand was not fulfilled.

On the ominous night of summer, the deceased and her family members went to their respective rooms and retired for the night. The doors were kept open since it was summer. There was light in the rooms and the courtyard from

some bulbs. The Appellant snuck into the room of the deceased and warned her "though she doesn't want to live with him he is not going to let her live with anybody else". The father of the deceased, Dataram (PW 8) woke up on hearing this and saw the Appellant running away after throwing acid on his daughter. The deceased started screaming, whereupon other family members tried to save her the Appellant then, threw acid on the other members of the family, burning and injuring all of them. In the attack, the deceased sustained burn Injuries to the extent of 90% all over her body while others also sustained burn injuries. In the incident the grandmother of the deceased Smt. Chandrakala (PW 3) and one Raju -nephew (PW 7) of the deceased and Janu (PW 4) brother of the deceased were also injured. A Dying declaration of the deceased was recorded which pointed out the accused as culprit Also, dying declarations made by the injured were consistence with the dying declaration of the deceased. Though the injured survived the injuries.

The Appellant committed this crime when he was out on bail in another case wherein he has been convicted for murder and his sentence has been upheld. In that case the appellant was charged along with co-accused one Kiran Nurse for committing the murder of one Laxmi Narayan alias Laxman Singh in the intervening night of 27.07. 1994 and 28.07.1994. And this incident occurred on 21.07.2013,

Decision of the Trial Court

The Sessions Court awarded the Appellant death sentence under Section 302 of the IPC and also, convicted him for disfiguring and injuring these people by throwing acid under Section 326(A) of IPC.

Decision of Hon'ble High Court

By an order of High Court of Madhya Pradesh, Gwalior Bench, dated 12.12.2014 confirming the death sentence awarded to the appellant by the Sessions Court, Ambah, District Morena (M.P.) vide its judgment in Sessions Trial No.388/2013 dated 24.07.2014. The Appellant has been convicted under sections 302, 326(A) and 460 of IPC and awarded capital punishment of death sentence, life sentence on three counts and fine of Rs.25,000/-each, and ten years' R.I. and fine of Rs.5000/- with default stipulations, respectively. This death sentence has been confirmed by the High Court on a reference under Section 366 of Cr.P.C.

An appeal was then filed before the Hon'ble Supreme Court on behalf of appellant accused.

Points of determination

1. Whether the court below erred by convicting the accused in 302 IPC?
2. Whether there are special reasons as to why the appellant should be sentenced to death?

Observation by Hon'ble Supreme Court

Answer to point 1

Hon'ble Court observed that they are satisfied that the Appellant has been rightly convicted for causing the death of the deceased Smt. Ruby as all the circumstances of the case and particularly the dying declaration of Smt. Ruby, unerringly point, to the Appellant as the one who caused her death. There is no conjecture, surmise or inference in the narration of the witnesses who saw the Appellant in the act and were themselves Also, the victim of his acid attack. Also, the evidence on record was sufficient to prove the guilt of accused beyond reasonable doubt. Thus, the conviction of the accused under section 302 IPC stands valid and requires no interference.

Answer to point 2

Hon'ble Court then advert to the question as to whether there are special reasons to sentence the Appellant to death. And then, the Court analysed the reasons which may count as 'special reasons' to sentence a convict to death as follow:

1. The term 'special reasons' undoubtedly means reasons that are one of a special kind and not general reasons. In the present case there is one factor, which might warrant the imposition of the death sentence, as vehemently, urged by the learned counsel for the State that the Appellant committed this crime when he was out on bail in another case wherein he has been convicted for murder and his sentence has been upheld. It is undoubtedly difficult to ignore this fact but we find that it is safer to consider the imposition of sentence based on the facts of this particular case. If there is a pattern discernible across both the cases then a second conviction for murder would warrant the imposition of a death sentence, But that does not appear to be so in the present case. The earlier incident

is totally unrelated to the circumstance of this case. The appellant was charged along with co-accused one Kiran Nurse for committing the murder of one Laxmi Narayan alias Laxman Singh in the intervening night of 27.07.1994 and 28.07.1994. The present incident took place on 21.07.2013 and the last one almost ten years before the present incident.

2. In the case before us, the incident is related to the appellant being disappointed in his relation with the deceased who he believed deserted him. The circumstance of the case and particularly the choice of acid do not disclose a cold-blooded plan to murder the deceased. Like in many cases the intention seems to have been to severely injure or disfigure the deceased; in this case we think the intention resulted into an attack more severe than planned which then resulted in the death of the deceased. It is possible that what was premeditated was an injury and not death.
3. Observations, made above were not in any way to condone the acts of the appellant but merely to hold that there appear to be no special reasons in the present case that warrants an imposition of a death sentence on the Appellant.
4. In *Bachan Singh v. State of Punjab* (1980) 2 SCC 684, the Apex Court held as follows:
"There are numerous other circumstances justifying the passing of the lighter sentence; as there are countervailing circumstances of aggravation. "We cannot obviously feed into a judicial computer all such situations since they are astrological imponderables in an imperfect and undulating society." Nonetheless, it cannot be over emphasised that the scope and concept of mitigating factors in the area of death penalty must receive a liberal and expansive construction by the courts in accord with the sentencing policy writ large in Section 354(3). Judges should never be bloodthirsty. Hanging of murderers has never been too good for them. Facts and Figures, albeit incomplete, furnished by the Union of India, show that in the past, courts have inflicted the extreme penalty with extreme infrequency - a fact which attest to the caution and compassion which they have always brought to bear on the exercise of their sentencing discretion in so grave a matter. It is, therefore, imperative to voice the concern that courts, aided by the broad illustrative guides lines indicated by us, will discharge the onerous function with evermore scrupulous care and humane concern, directed along the highroad of legislative policy outlined in Section 354(3] viz. that for persons convicted