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The Indian Penal Code 1860

Section 149 - EVERY MEMBER OF UNLAWFUL ASSEMBLY GUILTY OF OFFENCE COMMITTED IN PROSECUTION OF COMMON OBJECT If an offence is

32) DRJ 189 (DB): 1995 JCC 167 Rioting, looting, murder and large scale barbaric killings of the Sikhs during the 1984 riots was considered the rarest of rare cases. The trial court convicted and awarded death sentence to the accused. The accused appealed. The court held that mere absence of mention of the name of the accused in the FIR or that of even victims, on the facts and circumstances of the case is not fatal. The accused cannot be permitted to take advantage of tardy investigation and inaction of the police. Crime here falls in the category of rarest of rare cases and the sentence has to be deterrent so as to send a message for future. Lawlessness must be sternly dealt with--Duli Chand v. State, 1997 (43) DRJ 699; 1998(1) Crimes 38: 1998 Cri, LJ 988. There must be a necessity of an overt act i.e., an open act which must be proved--Abdul Hameed v. State of U.P., 1991(2) DRJ 72 (SC)