

Emperor Vs. Bai Lali

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Court : Mumbai

Decided On : Mar-02-1932

Reported in : (1932)34BOMLR896

Judge : John Beaumont, Kt., C.J. and ;Broomfield, J.

Appeal No. : Criminal Reference No. 9 of 1932

Appellant : Emperor

Respondent : Bai Lali

Judgement :

John Beaumont, Kt., C.J.

1. This is a reference by the Sessions Judge of Surat under Section 307 of the Criminal Procedure Code The accused was tried for murder and acquitted by the unanimous verdict of the jury. The jury consisted of nine men, five of whom are of the schoolmaster class, so that the jury cannot be considered as a body of purely uneducated individuals. The learned Judge disagreed with the verdict of the jury and has, therefore, referred the mater to us under Section 307.

2. It has been laid down many times by High Courts in India that on a reference under Section 807 the High Court cannot interfere unless satisfied that the verdict of the juryis perverse, that is to say, the Court must come to the conclusion on a perusal of the evidence that no jury could really have entertained any reasonable

doubt as to the guilt of the accused. It is, I think, important that the principle should be adhered to that the High Court will not interfere with the verdict of a jury merely because on a perusal of the evidence the Judges think that they would have come to a different conclusion from that at which the jury arrived. Trial by jury in this country is comparatively modern and juries like other people have to learn their job. They have to learn that the responsibility for deciding questions of fact rests upon them, and if they believe that the High Court will readily interfere with their verdict, it is likely that that belief will tend to take away from them the sense of responsibility which they ought to possess. [His lordship then dealt with the facts of the case, and in the result did not accept the reference.]

Broomfield, J.

3. [His Lordship after dealing with the evidence in the case concluded :] It is rather difficult to say, therefore, that the verdict is one which could not be arrived at by a reasonable body of men. I think it is a case on the border line. It has caused me a certain amount of difficulty, but on the whole I agree with the learned Chief Justice that it is not a case in which we ought to interfere with the verdict of the jury under Section 307 of the Criminal Procedure Code.

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