

In Re: a Deaf and Dumb Man

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Court : Mumbai

Decided On : Sep-20-1906

Reported in : (1906)8BOMLR849

Judge : Aston and ;Heaton, JJ.

Appeal No. : Criminal Reference No. 64 of 1906

Appellant : In Re: a Deaf and Dumb Man

Judgement :

Aston J.

1. The summary mode in which the trial has been conducted seems to us to be inconvenient the case being one in which the accused was deaf and dumb. The record contains no indication that any attempt was made to find out whether the accused had any friends or relatives who were accustomed to communicate with him. The Magistrate should have made enquiries about his antecedents and ordinary mode of life and the manner in which he was communicated with in the ordinary affairs of life. This should now be done. A retrial will be necessary if it is found that the accused can be made to understand the proceedings. We accordingly order under Section 341 that the conviction and sentence be set aside and; the case must be re-tried by the Magistrate having regard to the above remarks.

