

Emperor Vs. a Deaf and Dumb

Emperor Vs. a Deaf and Dumb

SooperKanoon Citation : sooperkanoon.com/344812

Court : Mumbai

Decided On : Mar-31-1916

Reported in : AIR1917Bom288; 37Ind.Cas.495

Judge : Batchelor and ;Shah, JJ.

Appellant : Emperor

Respondent : A Deaf and Dumb

Judgement :

1. In this case the accused, a deaf and dumb man, has been convicted of theft under Section 380 of the Indian Penal Code, and the proceedings have been submitted to this Court, under Section 341 of the Criminal Procedure Code.

2. Section 341 provides that in such a case as this the High Court should pass such orders as it thinks fit. The law in England appears to be that though great caution and diligence are necessary in the trial of a deaf and dumb person, yet if it be shown that such person had sufficient intelligence to understand the character of his criminal act, he is liable to punishment: see Russell on Crimes, Volume I, page 62 : Archbold's Criminal Practice, page 11 and Rex v. Steel (1787) 1 L.C. C. 451; Queen v. Bowka Hari 22 W. E. 35 Cr. and Queen v. Bowka 22 W. R. 72 Cr. Queen-Empress v. Reubiri Samuel (1894) Rat. Cr. 696 : Cr. Rg. No. 26 of 1894 are authorities to show that the same is the law and practice in India. In this case we are satisfied from the learned Magistrate's judgment that he was right in finding

that the accused understood the nature of the act, which he was committing when he committed this theft.

3. We, therefore, confirm the conviction and sentence the accused to one month's rigorous imprisonment.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com