

**Emperor Vs. Jasauli**

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**SooperKanoon Citation :** [sooperkanoon.com/449591](http://sooperkanoon.com/449591)

**Court :** Allahabad

**Decided On :** Feb-14-1912

**Reported in :** (1912)ILR34All340

**Judge :** George Knox, J.

**Appellant :** Emperor

**Respondent :** Jasauli

**Judgement :**

**George Knox, J.**

1. Musammat Jasauli has been convicted of an offence under Section 366, Indian Penal Code, and sentenced to five years rigorous imprisonment. She has sent in a petition of appeal from jail and has been represented in this Court by learned counsel. It is contended on her behalf that nothing more is established against her beyond this--that the two girls, Dhanauli and Gidauli, both of them under sixteen years of age, were wandering about and found their way to the village where Musammat Jasauli lives--Both girls admit that they had run away from their houses--and that they remained nearly one or two days in Musammat Jasauli's house; and that these facts are not enough to bring the Musammat within the four corners of Section 366 and do not justify the sentence passed; at the outside the offence is merely a technical offence. I have considered all these points, also the evidence on the record and I consider that the view taken by the learned Sessions

Judge is justified by the evidence on the record. I have been referred to the case of Queen v. Gunder Singh (1865) 5 W.R. Cr. R. 6. With every respect to the learned Judges who decided that case, I find myself unable to agree with the view they took; there is the further element in this case that Musammat Jasauli belongs to the well-known caste of Naiks in Kumaun. I cannot think that she took these two girls out of charity. She made no report to the padhan or the patwari. I dismiss the appeal.

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