

Rex Vs. Goonga

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Court : Allahabad

Decided On : Jun-20-1949

Reported in : AIR1950All143

Judge : Desai, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 341; Indian Penal Code (IPC) - Sections 380

Appeal No. : Criminal Ref. No. 2 of 1949

Appellant : Rex

Respondent : Goonga

Advocate for Def. : Party-in-person

Advocate for Pet/Ap. : Government Advocate

Disposition : Application dismissed

Judgement :

ORDER

Desai, J.

1. This is a reference Under Section 341, Criminal P. C., by a Judicial Magistrate of Lucknow.

2. The man 'Goonga' who is deaf and dumb and whose name is not known was prosecuted in the Court of the learned Magistrate Under Section 380, Penal Code, for stealing a bullock belonging to Bhagwati Prasad from the barooha of his house on 2nd February 1949, at about 8 p. m. Bhagwati Prasad went to feed his bullock when he found it missing. He looked for it in the neighbourhood of his house and caught the man leading it with a rope at a distance of about fifty paces from his house. He shouted and arrested the man in the presence of a number of witnesses such as Uttam Kumar, Sripal, Laltu and Razzak. The man was not known to these persons. He was then taken with the bullock to the police station where Bhagwati Prasad made a report against him.

3. Bhagwati Prasad, Uttam Kumar, Laltu, Sripal and Razzak all deposed that the man was caught red-handed with the bullock and that the bullock is of Bhagwati Prasad.

4. The man is deaf and dumb. There is nothing suspicious about the evidence against him. Bhagwati Prasad etc., had no reason to give false evidence against him. He was a stranger to them. The offence is undoubtedly made out against him and he is guilty Under Section 380, Penal Code.

5. I accept the reference, convict the accused Goonga Under Section 380, Penal Code and sentence. him to rigorous imprisonment for six months.

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