

Queen-empress Vs. Bhadu

Queen-empress Vs. Bhadu

SooperKanoon Citation : sooperkanoon.com/458002

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1897)ILR19All119

Judge : John Edge, Kt., C.J. and; Blennerhassett, J.

Appellant : Queen-empress

Respondent : Bhadu

Judgement :

John Edge, Kt., C.J. and Blennerhassett, J.

1. Bhadu was convicted on his own plea without evidence being recorded in the Sessions Court. He was charged with the offence punishable under Section 302 of the Indian Penal Code. The case against him was that he had murdered his wife. His plea as recorded is as follows: 'Guilty. I killed my wife. She had abused me. Called me 'ware.' No one was present. I killed her with a kulhari.' We are not clear whether the word 'guilty' in the plea was Bhadu's or was the interpretation of the Judge of the meaning of Bhadu's plea. In any event it was not an unqualified plea of guilty; and although the words of abuse which Bhadu said had been used might not have effect to take the case out of Section 302 of the Indian Penal Code, they put a qualification on his admission and made it necessary in our opinion that the trial should proceed and evidence should be taken. In this country it is dangerous to assume that a prisoner of this class understands what are the ingredients of the

offence under Section 302 of the Indian Penal Code and what are the matters which might reduce the act committed to an offence under Section 304. Even in England it used to be the practice of some Judges, and probably is still, although they were not bound to do so, to advise persons pleading guilty to a capital offence to plead not guilty and stand their trial. One of us has known that course followed in numerous cases. We set aside the conviction and sentence, and send this case back to the Court of Session with a direction to the Judge to take the evidence in the case and proceed on the basis of the plea not being an unqualified plea of guilty.

2. The Case was subsequently tried on evidence taken before the same Sessions Judge, and Bhadu was again convicted and sentenced to death, the conviction and sentence being upheld by the High Court on the 4th of February 1897.

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