

**Lahori Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/460073](http://sooperkanoon.com/460073)

**Court :** Allahabad

**Decided On :** May-08-1925

**Reported in :** AIR1925All647

**Appellant :** Lahori

**Respondent :** Emperor

**Judgement :**

Mears, C.J.

1. The only point that has been taken by Mr. Ambika Prasad, who appears on behalf of the appellant, is that the learned Sessions Judge accepted the plea of guilty and did not hear any evidence. He has called our attention to a case of Dalli v. King Emperor A.I.R. 1922 All. 233. In that case Mr. Justice Ryves said : 'After all murder is a mixed question of fact and law, and unless the Court is perfectly satisfied that the accused knew exactly what was necessarily implied by his plea of guilty, the case should be tried, and in dealing with people of the status of Dalli, this of course can never be the case.' There are points of distinction which can readily be drawn between the case of this appellant and that of Dalli, because the appellant is undoubtedly a man of very considerable intelligence, and having beyond question killed this woman, made a few hours later, on the same day, a perfectly clear statement about the facts, and later, on the 9th March, the day after the crime, gave to a Magistrate of the first class the most clear and convincing account of the whole occurrence, and stated as a preliminary to it that he knew

that he could be convicted on his own statement. When before the learned Sessions Judge, he agreed that he had made the two statements to which we have referred, and he pleaded guilty and said he killed the woman with the chopper produced, and the reason for killing her was jealousy. We think there was before the learned Sessions Judge enough material to make him perfectly confident as to the guilt of this man. Lahori, accused did, however, state when pleading guilty that he killed her out of jealousy. He elaborates that in the petition of appeal to this Court, and it is that document which gives rise to the bare possibility that the accused may be able to put forward some ground for the application of Section 804 of the Indian Penal Code. Under these circumstances we are of opinion that the safer and better course would be to return this case to the Sessions Judge with a direction to him to put Lahori up for trial again, to take his plea, and whether that be guilty or not guilty, to hear the whole of the evidence in relation to the case. We, therefore, set aside the conviction and sentence and direct a retrial.

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