

Emperor Vs. Dhani and anr.

Emperor Vs. Dhani and anr.

SooperKanoon Citation : sooperkanoon.com/465757

Court : Allahabad

Decided On : Aug-08-1919

Reported in : AIR1919All386; 52Ind.Cas.881

Judge : Stuart and ;Wallach, JJ.

Appellant : Emperor

Respondent : Dhani and anr.

Judgement :

1. The learned Additional Sessions Judge has tried this case carefully and has taken into consideration every point that can be taken in favour of the accused persons. We wish to point out to him that he is in error in referring to the principle of law that an accused person should not be convicted merely upon a retracted confession unless there is corroboration of the confession by other evidence.' There is no such principle of law. The proper rule is laid down in the case which he quotes, namely, Emperor v. Kehri 29 A. 434 : 4 A.L.J. 310 : A.W.N. (1907) 140 5 Cr. L.J. 360. It is for the Court to decide whether it believes a confession or not. That is all. The law does not require any corroboration. Naturally a Court is more likely to believe a confession if it is corroborated, but the learned Additional Sessions Judge should disabuse his mind of the erroneous impression that the law requires any corroboration. It does not. However, the fact that the learned Additional Sessions Judge has strained points in favour of the accused persons whom he has acquitted, makes his conviction of those whom he has convicted

even stronger, and we are satisfied that he rightly convicted the two appellants Dhani and Diwan of complicity in this serious dacoity. But the learned Additional Sessions Judge must understand that in cases of this nature the sentences should be substantial. Here we have a dacoity in which Lachman, the owner-of the house attacked who was a lame man, was stabbed and in which Lach-man's aged mother was severely beaten The sentence of three years' rigorous imprisonment for men concerned in such a dastardly outrage is obviously insufficient. We enhance the sentences passed on both Dhani and Diwan to a sentence of ten (10) years' rigorous imprisonment.

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