

Sanokhan Vs. Emperor

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Court : Allahabad

Decided On : Oct-02-1924

Reported in : AIR1925All472

Appellant : Sanokhan

Respondent : Emperor

Judgement :

Mukerji, J.

1. Two points have been urged in this case. The first one is that the offence was really one under Section 182 of the Indian Penal Code, and not one under Section 211 of the same Code. The finding is that the applicant laid a clear and definite information before the police, to the effect that there was a dacoity in his house and certain particular persons took part in it. It has been found that no dacoity took place and at any rate the persona mentioned never took part in the dacoity. The question in the circumstances is whether the case falls under Section 211 of the Indian Penal Code, or not.

2. The latest pronouncement upon the point is by Walsh, Ag. C.J. and Ryves, J., in the case of Rashi Ram v. King-Emperor A.I.R. 1924 All. 779.

3. It seems to me that there is an essential difference between a mere information to the police and a definite statement to it that a certain person has committed a

certain particular offence. In the latter case which is much graver than the former Section 211 of the Indian Penal Code applies. In my opinion the conviction is right.

4. As regards the sentence the applicant was fortunate enough to have the original sentence reduced by the learned Sessions Judge, to one of nine months' rigorous imprisonment. Having regard to the fact that the charge brought by the applicants fell within the second portion of Section 211, a sentence of nine months is a light one. I refuse to interfere with the sentence. The application is rejected.

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