

Emperor Vs. Lachhman

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Court : Allahabad

Decided On : Dec-17-1923

Reported in : (1924)ILR46All243

Judge : Grimwood Mears, Kt., C.J. and ;Stuart, J.

Appellant : Emperor

Respondent : Lachhman

Judgement :

Stuart, J.

1. This case presents unusual features. There is not the slightest doubt that on the 18th of August, 1923, Lachhman appellant murdered a man of the same name in the village of Samadhanpurwa. These are the circumstances. Lachhman appellant is a Pasi. The deceased man was a chamar. It is established to our satisfaction that for some time previous to this occurrence the appellant had shown peculiarities from which it can only be inferred that he was at that period insane. We are satisfied that he used to talk' wildly and incoherently, tear up his clothes, strip himself stark naked in public, and we see no reason to distrust the evidence which would show that he besmeared himself occasionally with faecal matter. His family believing him to be insane sent for the deceased man, Lachhman chamar, who had a reputation as an exorcisor of evil spirits, to remove the insanity by exorcism. Apparently the presence of Lachhman chamar irritated the appellant to

such an extent that he attacked him. There can be no doubt as to the fact that he did attack him with a Heavy billet of wood and inflicted terrible injuries all over his body, smashing his head and breaking both his arms. These injuries resulted in the death of Lachhman Chamar. The appellant was at once seized and tied with a rope to a pillar. He broke away, ran to the river Ganges and plunged in. He was taken out and kept in custody until the police arrived. These facts admit of no doubt.

2. When the appellant was put upon his trial, he had recovered his senses. The Civil Surgeon, whose evidence we see no reason to discredit, has said in his evidence that for the period of 15 days the appellant was under his observation he was not insane and it would appear that his mind was not deranged to a very serious extent while he was on trial. It is, however, to be remarked that certain of his answers in the case indicate that his mentality was far from normal while under his examination but on the evidence he knew the nature of his act and knew that what he was doing was wrong and contrary to law. I had to deal with a similar case some years ago, and stated my views as to the law governing such cases therein. See *Muhammad Hasan v. King-Emperor* (1912) 15 Oudh Cases, 321 (339-344). I have nothing to add to what I stated then as to the law, and would suggest the same action against this man as was taken in that case. This is certainly, in my opinion, not a case in which the capital sentence should be passed. At the same time the benefit of Section 84 of the Indian Penal Code cannot be extended to the appellant. I would suggest that the sentence be altered into one of transportation for life and that the case be reported to the Local Government for special consideration. The same course was pursued in the former case.

Grimwood Mears, Kt., C.J.

3. I think the evidence establishes that this man was suffering from a type of insanity known as *folie circulaire*, that is a type of insanity which commences in abnormality of conduct on the part of the sufferer. That abnormality of conduct increases by degrees until a period is reached when the man is manifestly insane. That is when the disease is at its height. Gradually the man gets better, the abnormality ceases and for a period he again becomes perfectly sane. After a time

abnormality begins again and so the circle continues with alternating periods of lunacy, abnormality and sanity. I am of opinion from the evidence that although this man was of unsound mind at the time when he committed the deed, he knew perfectly well he was doing what was a wrong thing to do; and that being so he cannot claim the exemption of Section 84. I agree that the proper course is to alter the nature of the sentence and to sentence him to transportation for life, so that he can be kept under observation. If he is for a sufficiently long period a man of apparent sanity, it is always competent to the Local Government to pass such order as clemency may suggest upon satisfactory medical certificates.

4. The order is that the conviction be upheld and the sentence be reduced to transportation for life, and that the case be reported to the Local Government with a copy of this judgment.

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