

Jasauli Vs. Emperor

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Court : Allahabad

Decided On : Feb-14-1912

Reported in : 14Ind.Cas.764

Judge : George Knox, J.

Appellant : Jasauli

Respondent : Emperor

Judgement :

George Knox, J.

1. Musammat Jasauli has been convicted of an offence under Section 366, Indian Penal Code, and sentenced to five years' rigorous imprisonment. She has sent in a petition of appeal from jail and has been represented in this Court by learned Counsel. It is contended on her behalf that nothing more is established against her beyond this that the two girls, Dhanauli and Gidauli, both of them under sixteen years of age, were wandering about and found their way to the village where Musamrnat Jasauli lives. Both girls admit that they had run away from their houses. They remained nearly one or two days in Musamrnat Jasauli's house and these facts are not enough to bring the Musamrnat within the four corners of Section 366 and do not justify the sentence passed; at the outside, the offence is merely a technical offence. I have considered all these points, also the evidence on the record and I consider that the view taken by the learned Sessions Judge is

justified by the evidence on the record. I have been referred to the case of Queen-Empress v. Gunder Singh 4 W.R. 6 Cr. With every respect to the larned Judges who decided that case, I find myself unable to agree with the view they took; there is the further element in this case that Musamrnat Jasauli belongs to the well-known caste of Naiks in Kumaun. I cannot think that she took these two girls out of charity. She made no report to the Padhan or the Patwari. I dismiss the appeal.

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