

**Richha and ors. Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/475466](http://sooperkanoon.com/475466)

**Court :** Allahabad

**Decided On :** Jan-27-1915

**Reported in :** 28Ind.Cas.737

**Judge :** Tudball, J.

**Appellant :** Richha and ors.

**Respondent :** Emperor

**Judgement :**

**Tudball, J.**

1. The four appellants Richha, Daya Ram, Bhagwan and Shera have been convicted under Section 304 of the Indian Penal Code. The first three were sentenced to six years rigorous imprisonment and a fine of Rs. 100 and the fourth to three years rigorous imprisonment. They have all appealed to this Court. Though the appellant, Shera, has been sentenced to a term of less than four years and the Court which tried and decided the case was the Court of an Assistant Sessions Judge, it is clear that the case is one in which the appeal would lie to this Court in view of the language of Section 408, Clause (b), of the Code of Criminal Procedure. This is clearly a case in which an Assistant Sessions Judge has passed a sentence of imprisonment for a term exceeding four years. As to the actual facts of the case there is clearly no doubt whatsoever. The deceased Bansi had a dispute with the appellants Richha, Bhagwana and Shera in respect of his

house. It had fallen down and he was re-building it on certain land and they disputed his right on the ground that he had trespassed on their land. He brought a suit in the Civil Court which was decreed by the Court of first instance, but was dismissed on appeal. Directly the appeal had been allowed, the four appellants, with a labourer named Nehal, proceeded to Banshi's house and began to pull down his wall. He expostulated, whereupon Richha, Daya Ram and Bhagwana beat him with lathis and Shera, though an old man, joined in the assault. The son of Banshi appeared upon the scene and he too was beaten. Banshi died because the injury to his chest--two of his ribs were broken--set up septic pneumonia which caused his death four days after. The medical evidence shows that he had received some twelve blows, that his arm as well as his two ribs was broken. No blows were inflicted upon his head. So that it is clear that the appellants did not intend to cause death and probably had no idea that the result of their assault would be death. The evidence in the case is very clear indeed. It was accepted by the Judge and Assessors unanimously as against these four appellants. I fully agree with their view of the evidence. The sentences imposed are meet and proper in view of the facts of the case. I therefore, confirm the convictions and sentences and dismiss the appeals.