

Mir Chhittan Vs. Emperor

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Court : Allahabad

Decided On : Sep-17-1936

Reported in : 166Ind.Cas.373

Judge : Allsop, J.

Appellant : Mir Chhittan

Respondent : Emperor

Judgement :

ORDER

Allsop, J.

1. This is an application revision by Mir Chhittan who has been sentenced to imprisonment for a period of three months under Sections 143 and 298, Indian Penal Code. The charge against him was that he had slaughtered a cow in broad daylight in full view of the houses of Hindus. His defence was that the cow had been slaughtered at night. It has been found as a fact by the Courts below that the cow was slaughtered in the manner alleged by the prosecution, that is, in an old ruined house in the village. The argument here is that this act did not amount to an offence under Section 298 Indian Penal Code, because a cow was not an object within the meaning of the section. Two rulings have been brought to my notice, but neither of them is in point because they deal with the meaning of the word 'object' in Section 295, Indian Penal Code. Section 298, Indian Penal Code, is much wider

in its scope and includes, I think, any action which is known to wound the religious feelings of others. It is unnecessary to describe the terms of the section in great detail. The applicant on the facts found must have known that the killing of the cow in the presence of Hindus would lead to a wounding of their religious feelings and he must be supposed to have intended the necessary consequences of his acts.

2. It has been argued that he really wanted the meat of the cow for a wedding feast and that he had no desire to wound the feelings of any person. Motive is not to be confused with intention. If a man knows that a certain consequence will follow from his act it must be presumed in law that he intended that consequence to take place although he may have had some quite different ulterior motive for performing the act. The applicant certainly had a legal right to kill the cow, but he was bound to perform that act, if he performed it in a public place, in such a manner as not to injure the feelings of others. I reject the application. The applicant will surrender to his bail and serve out his sentence.

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