

Deonandan Vs. Emperor

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Court : Allahabad

Decided On : Feb-25-1920

Reported in : AIR1920All33; 55Ind.Cas.863

Judge : P.C. Banerji, J.

Appellant : Deonandan

Respondent : Emperor

Judgement :

P.C. Benerji, J.

1. This application for revision must be allowed and the conviction of the applicant under Section 498 of the Indian Penal Code must be set aside. The applicant Deonandan was tried by a Magistrate of the First Class under the aforesaid section. The Magistrate was of opinion that Deonandan along with two other persons had taken or enticed away Musammatt Jagwatia, the wife of the complainant, with intent that illicit intercourse would be had with her by some person. The Magistrate convicted him. On appeal the learned Sessions Judge disbelieved the evidence for the prosecution upon the question of the woman having been taken or enticed away. He found, however, that the woman had been seen custide the house of Deonandan and from that he apparently concluded that she bad been concealed or detained with intent to commit adultery with her or for the purpose of illicit intercourse with some one else. Upon this finding this

conclusion could not follow. If the woman was seen outside the bouse, there was clearly no concealment and there is no finding that she was kept in his house either willingly or unwillingly. Therefore, there was neither detention nor concealment and as it was found that the woman had not been enticed or taken away from her, husband's house, the accused could not be convicted under Section 498 of the Indian Penal Code. I allow the application, set aside the conviction and sentence and as the applicant is on bail, I discharge the bail bond.

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