

Mukhram Vs. Emperor

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Court : Allahabad

Decided On : Aug-07-1929

Reported in : AIR1929All930

Appellant : Mukhram

Respondent : Emperor

Judgement :

Young, J.

1. In this case one Mukhram was charged under Section 366, I.P.C., before the Sessions Judge of Ghazipur, who convicted and sentenced him to two and half years' rigorous imprisonment.
2. Mukhram is a youth of 18 years age. I am accepting as proved the facts alleged by the prosecution. They are as follows:
3. The accused Mukhram, knowing a girl of 16 years of age who had been widowed for some six year, wished to marry her. Instead of going through the ordinary course, which he would have been well advised to adopt, he toli the girl, Mt. Jasodia, that her aunt was seriously ill and that he would escort her to her aunt. The girl went with him. On the way was the house of Mukhram's sister. He put the girl under the care of his sister, and there she remained for some eight lays. Her father eventually discovered her and took her home, and brought a

charge against Mukhram for having abducted his daughter with the intention of forcing her to marry him.

4. While the youth had kept this girl under the care of his sister, she was, with the exception of being detained in the house, well treated and well fed. No attempt was made by the youth to seduce her or ill treat her in any way. The youth wished honourably to marry her. They were both of the same caste. Apart from her father's consent there was no reason why he should not marry her and he would be doing a good act by marrying her, taking into consideration that she was a widow. In my view the youth acted foolishly in this matter, but did nothing more. It is his first offence; and it is precisely for this sort of case that Section 562, Criminal P.C., was enacted. I, therefore, propose to take the course of setting aside his sentence and releasing him on probation of good conduct. I accordingly direct that he be released on his entering into a bond for Rs. 500 on his own recognizance to appear and receive sentence when called upon during the period of one year, and in the meantime to keep the peace and be of good behaviour. There seems to me in this case no reason to send this youth to jail and thereby possibly make a criminal of him. Under the circumstances of the case there is no reason to suppose that Mukhram will not be a good citizen in the future.