

Mukund Ram Vs. Emperor

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Court : Allahabad

Decided On : Apr-26-1922

Reported in : AIR1922All273; 77Ind.Cas.1001

Judge : Gokul Prasad, J.

Appellant : Mukund Ram

Respondent : Emperor

Judgement :

Gokul Prasad, J.

1. In this case the Deputy-Magistrate has 'not appreciated the effect of the words 'knowing or having reason to believe that the same is noxious as food or drink' in Section 273 of the Indian Penal Code There is nothing on this record to show that Mukund Ram knew that the baisan was of such a nature as would be unfit for consumption. The learned Deputy Magistrate seems to think that-such knowledge is always to be presumed. There is no warrant in law for such a presumption; just like other ingredients of the offence, this also has to be proved, see the case of Emperor v. Sheo Lal 26 A. 387 : 1 A.L.J. 64 : A.W.N> 1 Cr.L.J. 210. The conviction was, therefore, illegal,

2. I accept the reference, set aside the conviction and the sentence and direct that the fine, if realised, be refunded.

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