

The Queen Vs. Nabi Saheb

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Court : Chennai

Decided On : Feb-14-1883

Reported in : (1883)ILR6Mad247

Judge : Charles A. Turner, Kt., C.J. and ;Muttusami Ayyar, J.

Appellant : The Queen

Respondent : Nabi Saheb

Judgement :

Charles A. Turner, Kt., C.J.

1. One Nabi Sahab, a Muhannadab by creed and a dealer in miscellaneous wares by profession was convicted by a Village Munsif of a petty theft and sentenced to be put in the stocks for three hours
2. The District Magistrate has referred the case to this Court, suggesting that the accused did not belong to the class on which the infliction of the punishment of stocks is sanctioned.
3. The 10th Section of Madras Regulation XI of 1816 authorize Village Munsif to inflict the punishment, if the offending parties be of any of the lower castes of the people on whom it may not be improper to inflict so degrading a punishment. inflict so

4. The definition has been held by this Court to involve two conditions the one having relation to the position of the caste to which an offender belongs the other to the social status of the person himself. A dealer in petty or may not be a person on whom the infliction of the punishment may be degrading but we agree with the Magistrate that a Muhammadan cannot be said to belong to the lower castes of the people. It is probable the framers of the regulation had in view those castes who, prior to the introduction of British rule, were regarded as servile. The sentence was, therefore, improper and must be quashed, but as it has probably been undergone, we do not direct the Village Munsif to pass a fresh sentence.

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