

Queen-empress Vs. Muppan

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SooperKanoon Citation : sooperkanoon.com/778847

Court : Chennai

Decided On : Jul-23-1895

Reported in : (1895)ILR18Mad401

Judge : Shephard and ;Subramania Ayyar, JJ.

Appellant : Queen-empress

Respondent : Muppan

Judgement :

1. We think the accused was rightly convicted. The custody of a prisoner does not necessarily come to an end because the custodian absents himself for a few minutes. A man legally arrested for an offence must submit to be tried and dealt with according to law. If he gains his liberty before he is delivered by due course of law, he commits the offence of 'escape.' It has been long established that even when the escape is effected by the consent or the neglect of the person that kept the prisoner in custody, the latter is no less guilty, as neither such illegal consent nor neglect absolves the prisoner from the duty of submitting to the judgment of the law (I Russ., 5th edition, p. 567, Roscoe, 11th edition, p. 453, and Bishop's Criminal Law, 7th edition, Section 1104). Consequently in the present case the neglect of the police officer in absenting himself from the place where the accused was detained when he escaped does not affect the accused's guilt.

2. We decline to interfere.

