

**In Re: Sengodai Vannan**

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**SooperKanoon Citation :** [sooperkanoon.com/778973](http://sooperkanoon.com/778973)

**Court :** Chennai

**Decided On :** Mar-03-1927

**Reported in :** (1927)53MLJ101

**Appellant :** In Re: Sengodai Vannan

**Judgement :**

1. The appellant has been convicted of murdering two persons and causing hurt to several others. The offences were committed on the B.I.S. N.Co.'s ship 'Teesta' on his journey from Penang to Negapatam. The appellant is a British subject and the S. S. 'Teesta' is a British ship. A question was raised as to the jurisdiction of the Lower Court to try the charge. A similar question was raised in King-Emperor v. The Chief Officer of S. S. 'Musktari' I.L.R. (1901) B 336 where it was held that the Court in British India had, in a similar case, jurisdiction. That jurisdiction is conferred by Section 1 of 12 and 13 Vic. c. 96, which has been made applicable to India by Section 1 of 23 and 24 Vic. c. 88 as well as by Section 686 of the Merchant Shipping Act. Following that decision, we hold that the Lower Court had jurisdiction.

2. On the merits there can be no doubt that the appellant is guilty of the offences of which he has been convicted. A plea of temporary insanity has been raised with reference to Section 84 of the Indian Penal Code. The one thing that is clear is that, at the time, the appellant was suffering from fever, but his temperature was only about 100 degrees and it has not been proved that he was delirious. We cannot therefore accept this plea. At the same time it is possible that the

appellant's acts were due to an attack of homicidal mania, though, as remarked in Queen-Empress Venkatasami I.L.R. (1889) M 459, we cannot say that the evidence warrants a finding that they were. We must confirm the conviction and sentence, but direct that the evidence and this judgment be brought to the notice of His Excellency the Governor in Council in order that he may, if he thinks fit, reduce the sentence.

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