

In Re: Venkatasubbaier and ors.

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Court : Chennai

Decided On : Dec-15-1922

Reported in : (1923)44MLJ407

Appellant : In Re: Venkatasubbaier and ors.

Judgement :

ORDER

Krishnan, J.

1. It is argued that the conviction under Section 147, Indian Penal Code, was wrong as no force or violence was used to any person and that the accused are guilty under Section 143 only. The definition of force is given in Section 349 of the Indian Penal Code. Now these accused are found to have gone and beaten on the door when the complainant fled away to save himself from being beaten and shut himself up in his room. Whatever difficulty there may be in bringing the action of the accused within the definition of force it is clear they used violence which is sufficient under Section 146 of the Indian Penal Code, to make their offence rioting. This view is supported by the ruling in *Sama Ruddi v. Emperor* I.L.R. (1912) Cal. 367 where it was held that the word violence was not restricted to force used against persons only but extends also to force against inanimate objects. The accused were therefore rightly convicted under Section 147 of the Indian Penal Code.

2. The fines however seem to me to be excessive in the case of Pariah accused Nos. 4 to 14. Their fines will be reduced to Rupees 10 each; in default two weeks rigorous imprisonment. The sentence of the others are confirmed. Excess fines if collected would be refunded.

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