

In Re: Kither Khan and anr.

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SooperKanoon Citation : sooperkanoon.com/792425

Court : Chennai

Decided On : Nov-17-1908

Reported in : 4Ind.Cas.1116

Judge : Munro and ;Sankaran Nair, JJ.

Appellant : In Re: Kither Khan and anr.

Judgement :

1. We have no doubt that the deceased died owing to injuries caused by the appellants. We think, however, that the offence amounts only to culpable homicide not amounting to murder. It seems clear that there was a fight between the deceased and the appellants, and that as the prosecution evidence itself shows, the deceased Struck the first blow. What the cause of the fight was we can only conjecture but there is no sufficient evidence to prove any motive sufficient to induce the appellants to deliberately murder the deceased. We think the appellants may properly be given the benefit of the fourth exception to Section 300, Indian Penal Code. We, therefore, acquit the appellants of murder and find them guilty of culpable homicide not amounting to murder. We sentence each of the appellants to seven years' rigorous imprisonment.