

In Re: Oomayyan Alias Muthiah thevan

In Re: Oomayyan Alias Muthiah thevan

SooperKanoon Citation : sooperkanoon.com/792843

Court : Chennai

Decided On : Feb-27-1947

Reported in : AIR1947Mad353; (1947)1MLJ198

Appellant : In Re: Oomayyan Alias Muthiah thevan

Judgement :

ORDER

Yahya Ali, J.

1. The accused has been convicted under Section 379 of the Indian Penal Code by the Sub-Magistrate of Uttamapalayam and under Section 341 of the Code of Criminal Procedure the case has been submitted to this Court as the accused is a deaf and dumb person and was as such unable to understand the proceedings. The conviction is based upon the finding that the accused, by signs, admitted the offence in Court and that before the police he had also by signs pointed out the stolen property. It is not easy to see how even with the help of the brother of the accused who is said to have helped the Court in interpreting the Court's proceedings to the accused, it was possible to come to the conclusion that the accused admitted all the ingredients required to constitute an offence under Section 379 of the Indian Penal Code in an unequivocal manner. Even with regard to the pointing out of the stolen property it would only be by gestures which could conceivably admit of theories other than that he himself had stolen the property or concealed it there with the knowledge that it was stolen. In the case of a person of

this description I do not consider it safe to act on mere gestures of this kind either to infer that he was the thief or to hold that he admitted the offence in Court. The conviction is set aside and the accused is directed to be set at liberty forthwith.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com