

In Re: Sengoda Goundan and ors.

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SooperKanoon Citation : sooperkanoon.com/794921

Court : Chennai

Decided On : Jul-22-1915

Reported in : AIR1916Mad651; 30Ind.Cas.438

Judge : Ayling and; Tyabji, JJ.

Appellant : In Re: Sengoda Goundan and ors.

Judgement :

1. We see no reason to doubt the substantial truth of the prosecution story as to the dacoity, the manner in which deceased Karuppa Goundan met his death, or the complicity of appellants.

2. We do not, however, think that the act of the accused Nos. 1 and 2 amounts to murder. It seems clear that they stuffed a cloth into deceased's mouth in order to silence him, not with any idea of killing him, and the most that can be said is that they must be presumed to have known that they were likely in so doing to cause his death: (Vide last clause of Section 299, Indian Penal Code). We alter the sections under which appellants have been convicted from Sections 302 and 396, Indian Penal Code, to Sections 304 and 395, Indian Penal Code. We reduce the sentences on accused Nos. 1 and 2 to seven years' rigorous imprisonment and confirm the sentences on the other appellants.