

In Re: Ramanjulu Naidu

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SooperKanoon Citation : sooperkanoon.com/797430

Court : Chennai

Decided On : Mar-12-1947

Reported in : AIR1947Mad281; (1947)1MLJ410

Appellant : In Re: Ramanjulu Naidu

Judgement :

ORDER

Yahya Ali, J.

1. I have given notice of this appeal to the Crown Prosecutor and heard him.
2. The appellant has been convicted by the Special Honorary Presidency Magistrate under Sections 379 and 75 of the Penal Code and sentenced to rigorous imprisonment for two years. The Magistrate has further directed under Section 73 of the Indian Penal Code that out of the above period of imprisonment, three months should be passed in solitary confinement.
3. The conviction is undoubtedly warranted by the evidence. When P.W. 1, after shopping with his wife and another person boarded a tram, the appellant and another person boarded the same tram. The appellant pushed P.W. 1 forcibly and in that act snatched away a pocket watch with a rolled gold chain which was in the possession of P.W. 1. The appellant swiftly passed on the watch and the chain to the other person. P.W. 1 and others present immediately caught hold of the appellant and handed him over to the police.

4. Before the Magistrate, the appellant admitted the offence and also the previous convictions. Looking at the list of previous convictions, it is clear that he commenced his career as a habitual thief as early as 1921 and his last conviction was by this Court in S.C. No. 13 of 1943 in the Third Criminal Sessions in which he was convicted under Sections 380 and 75 of the Indian Penal Code and sentenced to four years' rigorous imprisonment. I would therefore confirm the conviction and the sentence of rigorous imprisonment for two years. But the direction that three months out of that period should be served in the solitary confinement is not necessary. There are no exceptional aggravating circumstances in the case to warrant such a direction. In fact when the provision in Section 73 of the Indian Penal Code was introduced there was a similar provision in the corresponding English Act, but even in those days the power to impose solitary punishment was very rarely exercised by Criminal Court by way of sentence. Even that provision was done away with during the reign of Queen Victoria. Solitary confinement should not be ordered unless there are special features appearing in the evidence such as extreme violence or brutality in the commission of the offence. The only reason given by the Magistrate is that the 'sanctity of home life has become to him (the appellant) a mere mockery and the desire to take what he wants regardless of ownership is hot in him.' This can be said of every person convicted under Section 379 of the Penal Code and I do not consider that to be a circumstance justifying the passing of an order of solitary confinement. The direction regarding solitary confinement will be deleted. In other respects the appeal is dismissed.