

Suppiah Vs. Emperor

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Court : Chennai

Decided On : Aug-20-1930

Reported in : AIR1930Mad980

Appellant : Suppiah

Respondent : Emperor

Judgement :

Pandalai, J.

1. It is contended that P.W. 3 had illicit intercourse with the petitioner even before she was kidnapped from P.W. 4's house and that therefore the taking was not in order to seduce her to illicit intercourse. For this the decision in Rex v. Federrich Moon, Rex v. Emily Moon [1910] 1 K.B. 818, is relied on. That was a decision under the English Children Act 1908 under which it was held that seduction was surrender or loss of chastity for the first time. In my opinion that decision has no application to Section 366, I.P.C., where the substantial offence is kidnapping or abduction. The conviction was therefore right.

2. As to the sentence the fact that P.W. 3 was not merely a consenting party but perhaps pressed the petitioner to take her away is to be taken into account. The petitioner is young, and on the whole behaved well, except that he broke the law listening to a young woman. The sentence is reduced to one month's simple imprisonment.

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