In Re: Jayaraman

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Court : Chennai

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Judge : Anantanarayanan and; Natesan, JJ.

Appellant : In Re: Jayaraman

Judgement :

Natesan, J.

1. One Jayaraman who has been convicted under Section 302, I. P. C. for the murder of his wife, Anusooya and sentenced to imprisonment for life is the appellant before us represented by Sri R. Srinivasan, counsel appearing as amicus curiae,

2. The accused and the deceased were married three years prior to the occurrence. They were closely related but the marriage was an unhappy one and there had been frequent quarrels between the couple, the accused often indulging in acts of violence on the deceased. There is evidence that, about month prior to the occurrence, at a Panchayat convened, the parties agreed to sever the marital relationship and the accused left for Bangalore. On the day of occurrence, 15-9-1964 when the deceased, with 15 other women, was transplanting paddy seedlings in the field of one Muthammal (P. W. 8) at about 10 a.m. the accused came on the scene and called the deceased out. As she was delaying response to

his call, the accused entered on the puddled field and dragged her out by the tuft to a place three fields off. There while the deceased was tying up her dishevelled hair, the accused pulled out a koduval which he had concealed1 under his clothes and delivered on her several1 cuts indiscriminately on the neck, right shoulder, left wrist and so on. The women folk who had been transplanting seedlings along with the deceased got frightened and raised hue and cry; and the accused left the place, proceeded to Melpadi police station and presented himself, with the koduval before the Sub-Inspector of Police (P. W. 30) who was then in charge of the station. The Koduval (M. O. 5) with which he had hacked the deceased, was seized from him under a Mahazar attested by P. W. 22. The deceased had fallen on the puddled field. The villagers who gathered there lifted and placed her on acot under neighbouring banian tree. There were multiple injuries on the deceased, one of the cuts practically severing the left hand. Blood was oozing from the wounds. P. W. 30, the Sub-Inspector of Police, reached the scene of occurrence at about 12-45 p.m. and the deceased was immediately sent to the Government Pentlar Hospital, Vellore.

3. The woman Civil Asst. Surgeon attached to the hospital Dr. Bhuvaneshwari (P. W. 10) examined the deceased at about 4-45 p.m. and noticed her seven external injuries. The first injury was an incised wound on the back of the left forearm, all the extensor tendons cut and the left hand lying loose attached by the skin and facie of the anterior aspect of the forearm, The second was a lacerated injury over the right shoulder about 5 inches by 4 inches exposing the shoulder joint, head of the humerus being exposed with two cuts in the head of the humerus. According to P. W. 10, injuries 1 and 2 were grievous and the others, simple. She gave her opinion that, if the seven injuries were not attended to, they were sufficient in the ordinary course of nature to cause death. The deceased was in the hospital as an inpatient for a period of 50 days and expired on 5-11-1964. The cause of death was stated to be,. on post mortem examination by P. W. 10, 'septicaemia caused by delayed complications of multiple injuries'. One Dr. Jayalakshmii (P. W. 17) actually treated the deceased. the date of the occurrence, shortly after the admission in the hospital, the services of a Magistrate were requisitioned and a dying declaration of the deceased recorded. On 15-9 1964 itself after the dying declaration had been recorded, the left wrist was amputated.

4. There can be no doubt whatsoever that the injuries on the body of the deceased were inflicted by the deceased. P. Ws. 1 to 9. some of the women who were transplanting seedlings along with the deceased, are eye witnesses to the occurrence. P. W. 12 is another eye witness. P. W. 13 as well as P. Ws. 24 and 25 had been seen the accused proceeding from the place of occurrence carrying the koduval (M. O. 5), The accused was originally charged under Section 307, 1. P. C. and on death the charge was converted into one under Section 302, I. P. C.

In view of the overwhelming evidence of the eye witnesses who had seen the accused inflicting the multiple injuries with the koduval (M. O. 5) on the deceased, the occurrence taking place in broad daylight, there need be no hesitancy in the finding that the accused gave the cuts on the deceased with the koduval (M. O. 5) one of the cuts practically severing the left hand. It is necessary also to refer here to the evidence of P. W. 13 who is a close relation of the accused. On the day of occurrence, when P. W. 13 was ploughing his field, he saw the accused who had left for Bangalore after the forma] divorce at the caste Panchayat coming that day. When he questioned, the accused stated to P. W. 13, in a vexed tone that he had neither wife nor child, that it was immaterial whether he lived on this earth or was dead, and that he would that day settle with Anusooya in one way, or other. P. W. 13 deposes that he had advised not to do anything hastily. It is after this conversation that the accused proceeded towaids the field where the women were transplanting with the deceased. On the evidence, the learned Sessions Judge came to the conclusion that the accused went there to inflict the injuries with the intention of causing them, and that these injuries were sufficient in the ordinary course of nature to cause death, He, therefore, concluded that the accused was guilty of an offence coming under the third clause of Section 300, I. P. C. Taking into consideration the age of the accused and the unhappy married life, the learned Sessions Judge felt that the circumstances did not warrant the extreme penalty of law and sentenced the accused to imprisonment for life.

5. The only question that calls for determination in this case is the offence the accused could be said to be guilty of. The injured died 50 days after the occurrence in question. She had been taken to the hospital with promptitude and according to the medical witnesses all available medical help was rendered. But

septic condition developed in spite of administration of antibiotics and death occurred 50 days after receiving the cuts. The deceased had meanwhile been in the hospital putting a gallant fight for life. We have to determine whether in the circumstances of the case, the accused caused the death of the deceased or death was due to supervening causes so unrelated to the act of the accused that the accused could not be held responsible. The nature of the injuries inflicted, the instrument used, and the manner in which the accused came on the scene armed with koduval and inflicted the injuries establish that the injuries on the body of the deceased were inflicted intentionally with deliberation. As already set out, according to the evidence of P. W. 10 the seven injuries were sufficient in the ordinary course of nature to cause death. These elements being made out clearly the offence would be murder under Section 300 thirdly: Virasa Singh v. State of Punjab : 1958 CriLJ818 . But the problem is posed whether it could be said in this case that death was caused by the act of the accused. There has been an interval of 50 days between the act of the accused and the death. During the period sepsis set in and death ensued ultimately. The problem is whether the offence is culpable homicide to begin with. The alternative is that it is an offence of causing grievous hurt by a dangerous weapon coming under Section 326, I. P. C. The learned Public Prosecutor frankly states that, if on the evidence we cannot hold that there is culpable homicide, the offence would fall under Section 326, I. P. C.

6. Section 299, I. P. C. defining culpable homicide runs thus:

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

7. To come within the definition the act of the accused should cause death and it must be (a) with the intention of causing death or (b) with the intention of causing such bodily injuries as is likely to cause death or (c) with the knowledge that he is likely by such act to cause death. The question when a person can be said to cause death by his act has to be answered in the light of explanations 1 and 2 to Section 299, I. P. C. The simpler case would be where death results directly from

the act itself. When death results from consequences naturally or necessarily flowing from that act, then also there need be no hesitancy in saying that the act caused death. For the 'thirdly' of Section 300 to apply the requirement is, that the injury inflicted is sufficient in the ordinary course of nature to cause death, a high degree of probability in the ordinary way of nature that death would ensue on the injuries. The difficulty comes in when there are recognisable contributory causes leading to the ultimate, and the Court is called upon to consider in such a case the relative effect and strength of the different causes in bringing about the effect and then to find whether the responsibility for the result could be assigned to a particular act or not as the proximate or efficient or effective cause.

8. But the theory of causation has to be kept within reasonable limits at both ends. The question when there are latter complications would be, whether the complications are the natural or likely consequences of the injury, the ordinary course it takes before death causes. That the consequences are labelled as a supervening condition or disease, given a name and shown as the immediate cause of death will not efface from the train of events and causes the original injury, if death is its ultimate result. At the end, all death is brought about by coma, syncope or asphyxia, the synchronised and interpendent functioning of the brain; the heart and the lungs maintaining life. The stoppage of one of them will be quickly followed by the stoppage of the action of others and by cessation of life. Death may properly be attributed to coma, syncope and asphyxia, but the cause cannot stop there. In Brintons Ltd. v. Turvey, 1905 AC 230, 233, the Earl of Halsbury L. C. while considering the phrase 'accident causing injury' observing that 'we must be on our guard that we are not misled by medical phrases to alter the proper application of the phrase, because the injury inflicted by accident sets up a condition of things which medical men describe as disease' stated:

An injury to the head has been known to set up septic pneumonia, and many years ago I remember when that incident had in fact occurred it was sought to excuse the person who inflicted the blow on the head from the consequences of his crime because his victim had died of pneumonia and not as it was contended, of the blow on the head. It does not appear to me that by calling the consequences of an accidental injury a disease one alters the nature or the consequential results

of the injury that has been inflicted.

In the same case at p. 234, Lord Mac-naghten observed:

The accidental character of the injury is not, I think, removed or displaced by the fact that, like many other accidental injuries, it set up a well known disease, which was immediately the cause of death, and would no doubt be certified as such in the usual death certificate.

However for culpability, as stated in Mayne's Criminal Law of India, 4th Edn., at p. 477 'it is indispensable that death should be connected with the act of violence not merely by a chain of causes and effects but by such direct influence as is calculated to produce the effect without the intervention of any considerable change of circumstances'. The learned commentator referring to R. v. Holland, (1841) 2 M and Rob 351; (1904) 1 Cri 909 observed at page 476:

The real question was whether in the end the wound was the cause of death.

He refers to Explanation 2 to Section 299 as substantially producing the rule enunciated in Male's Pleas of the Crown, Volume I, page 28, to the following effect:

If a man receives a wound, which is not in itself mortal, but either for want of helpful applications or neglect thereof it turns to a gangrene or a fever, and that gangrene or fever be the immediate cause of death, yet this is murder or manslaughter in him that gave the stroke or wound, though it were not the immediate cause of his death, yet if it were the immediate cause thereof, and the fever or gangrene was the immediate cause of his death, yet the wound was the cause of the gangrene or fever, and so consequently is causa causans,

The learned author observes at p. 475:

Where an injury of a dangerous character has been inflicted, which might possibly not have been fatal, but the sufferer declines to follow proper treatment, or is injudiciously treated, or sinks under an operation which might possibly have been avoided, the person who inflicted the injury is considered in law to have caused

the death which results.

9. In (1841) 2 M and Rob 351, above referred to, the deceased who had received cut upon the finger did not need the advice of the surgeon to have it amputated. Subsequently lock-jaw set in because of which he died. Evidence was let in that if he had submitted to an operation, his life would probably have been saved. But Maule, J. held that that was no defence.

10. In Russel on Crime, 12th Edn., Vol. 1 at page 28 it is stated.

There is however, the different, although allied, point that a particular man's conduct may not have been the sole cause of the actus reus, it may have been a contributory cause. In such circumstances, it would seem that a safeguard against injustice should take the form of a direction to the jury that they should not convict unless they are satisfied that actus reus would not have occurred but for the accused man's participation in the matter.

Proceeding it is observed:

The actus reus, on the above definition is an event, and any particular event may be found to have been produced by the combined effect of a number of factors any one of which may be regarded as a cause of the event provided that this event would not have taken place had that factor not existed. In such a situation a man may be held to have caused the actus reus of a crime if that actus would not have occurred without his participation in what led upto it.

Referring to indirect causation, it was observed by one of us (Anantanarayanan, J) sitting with Ramaswami, J. in In re, Maraga-tham : AIR1961 Mad498 :

But how far can indirect causation to be recognised as operative, in criminal jurisprudence? A glimmer of light is thrown upon this problem in the case law relating to explanation 2 to Section 299, I. P. C. If, after the blow or act of injury impugned as homicidal, a distinct set of circumstances arises causing. a new mischief, then the new mischief will be regarded as the causa causans and not the original blow: R. v. Flynn. (1867) 16 WR 319 IR, cited in Ratan's Culpable homicide p. 8'. But the question is hardly free from subtle difficulties,

The case itself turned on a different set of facts. The difficulty of deciding between proximate and remote cause or for finding out causa causans was cut through by the rule of English common law that a man who had received injury from another was not considered to have been killed by him, unless death followed within a year and a day after the injury. But there is no such rule in the Indian Penal Code. While referring to the theory of causation which provided the simple test of guilty in the early period of criminal law, in Russel on Crimes, 12th Edn., Volume 1, the learned author observes at page 28 that the drawing of a line between proximate causes and remote consequences is unscientific, but appeared to be the only way of avoiding decisions of a cruelty offensive to moral feelings before the doctrine of mens rea as a legally essentially ingredient in criminal liability appeared. The learned author states at p. 40:

The new test (foresight of consequences) is found in the requirement that the accused person, when pursuing the line of active conduct (or passive) in cases where there is a legal duty to action which resulted in the harm for which he is charged (i.e., the actus reus) must have been aware that certain sped fled harmful consequences would or could follow. Such a tesl arises naturally from the adoption of the ethical approach to the problem of crime, since in many minds it is hard to see any moral blame, meriting the infliction of punishment, in a man who has pursued a line of conduct without appreciating that it would produce mischievous results.

11. In the footnote at page 412, the learned author observes that the unscientific differentiation between proximate and remote consequences of a man's conduct was probably due to the lack of clear definition of mens rea which would have rendered innocuous a remote claim of causation; since the more remote the cause Ihe less possible it would be to establish that the prisoner intended or realised the result.

12. But Sections 299 to 304, I. P. C. to a degree stand the test of the ethical approach. Intent and knowledge in the ingredients of the offence of culpable homicide postulate the existence of a positive mental condition, the special mens rea for the offence. As pointed out by Mayne in his treatise on Criminal law, V Edn.

page 465, while in England the main question to be considered was the character of the act, in India it is the intention, express or implied, of the person who does it. See Illustration (c) to Section 299. The following illustration given by the authors of the Penal Code and quoted with approval in Public Prosecutor v. Poongavanam, C. A. No. 797 of 1961 (Mad) and C. I. R. C. Nos. 1657 and 1627 of 1964 (Mad) may be cited in this context:

it is proved that A inflicted a slight wound on Z, a child who stood between him and a large property, it is proved that the ignorant and superstitious servants about Z applied the most absurd remedies to they wound; it is proved that under their treatment the wound mortified, and the child died. Letters from A to a confident are produced; in these letters A congratulates himself on his skill, remarks that he could not have inflicted a more severe wound without exposing himself to be published as a murderer, relates, with the exultation, the mode of treatment followed by the people who have charge of Z, and boasts that he always foresaw that they would turn the slightest incision into a mortal wound. It appears to us that if such evidence were produced, A ought to be punished as a murderer.

There are not very many cases on the question; but illustrative of a supervening cause which ousts the chain of causation, we may refer to an unreported decision by us In re Pichai, R. T. 29 of 1964 (Mad). In that case the deceased was stabbed in the abdomen. The injured was hospitalised immediately and responded very well to the treatment. The internal injury was practically healed and the external injury was also healed; and while the patient was well on the way to recovery, unfortunately, he had two severe fits of asthma which led to the breakage of the sutures that had been put in during the course of surgical intervention and would have been absorbed in due course creating no complication. By reason of this interruption with severe fits of asthma, there was internal bleeding resulting in grave peritonitis. The earlier injuries had not turned a septic and the medical evidence showed that the injuries originally sustained1 did not lead to peritonitis which was the cause of death. In these circumstances, we held that the accused was guilty only of an offence under Section 326, I. P. C. and not under Section 300, I. P. C. or Section 304, I. P. C.

13. The problem of supervening cause intervening arose again for consideration before a Division Bench consisting of one of us (Anantanarayanan,.1.) and Venkatadri, J. it* In re, Periaswami, C. A. 166 of 1961 (Mad). In that case, the accused whipped out his knife and stabbed the deceased in his abdomen in the course of a sudden quarrel. The deceased had a tear in his stomach and an incised cut in the liver. He was under treatment for 17 days and was having a sinus through which he was discharging bile and some pus. Due to the constant discharge of bile and pus, the abdomen suddenly burst. The abdomen was sutured, but he did -not recover. In the opinion of the Doctor, the deceased would appear to have died of septic peritonitis as n result of the injuries to the stomach, liver and pancreas. It was contended for the accused in that case that the deceased died not as a result of the wounds inflicted by the accused, but on account of some other causes, which intervened, in the course of treatment. After examining the case law, it is observed that the accused inflicted the injury on the vital part of the body, and thai there was no definite evidence that death was due to other independent supervening causes. It was held that death was due to an injury which was sufficient in the ordinary course of nature to cause death, and that death was ultimately due to the supervention of septic peritonitis and the accused was directly responsible for causing death. It was found on the evidence, that, though there was culpable homicide, it was a case falling under Part II of Section 304, I. P. C.

14. The problem arose recently in anotheru neported decision-Public Prosecutor v. Poongavanam, C. A. No. 797 of 1964 and Cri. K. C. Nos. 1657 and 1627 of 1964 (Mad), before Venkatadri, J. and Sadasivam, j. The deceased in that case was stabbed on his right shoulder. The victim died 62 hours later, and in the opinion of the doctor, it was on account of septicaemia as a result of the injury on his shoulder, the septic condition having been caused by contamination of the wound by germs getting into it due to cow-dung which was applied by one Ponnurangam. According to the doctor, the cause of death was not directly due to the injury, but due to the septic infection. The learned Sessions Judge convicted the accused in the case under Section 326, I. P. C. and the State preferred the appeal against the order of acquittal for the offence under Section 302, I. P. C. Sadasivam, J. while delivering the judgment for the Bench, referred to the following statement by the

authors of the Indian Penal Code in respect of the relevant part of Section 299, I. P. C.

We see no reason for excepting such cases (the cases of persons who die of a slight wound, Which from neglect or from the application of improper remedies, has proved fatal) from the simple, general rule which we propose. It will indeed be in general more difficult to prove that death has been caused by a scratch than by a stab which has reached the heart, and it will, in a still greater degree, be more difficult to prove that a scratch was intended to cause death; yet both these points might be fully established.

The learned Judge emphasised in that case that it was not the prosecution ease that the accused intended to cause death of the deceased. A reference was also made to the fact that even the Doctor did not state that the injury caused by the accused was likely to cause death. It was, therefore, held that the case in question could not be brought under Clause 2, or Clause 3 of Section 299, I. P. C., as the prosecution would have to prove that the accused intended to cause such bodily injury as is likely to cause death or that he had knowledge that be is likely by bis act to cause death. The principle is enunciated thus:

It is clear from what I have stated above that there must be shown to be a direct and distinct connection between the act of the accused and the death of the deceased and not merely unbroken chain of causes and consequences. The act of the accused must be the causa causans of the death.

Finding that death of the deceased in that case was really due to the application of cowdung to an open wound which was by itself not likely to cause death, the State's appeal for convicting the accused under Section 302, I. P. C. was dismissed.

15. The decision in Nga Moe v. The King AIR 1941 Rang 141, is again illustrative. The headnote in that case summarises the facts and may conveniently be set out:

The injury indicted by the accused on deceased's head was not such as to entail any serious consequences to a person in normal health. The wound had healed

upto the end of seven days in the hospital but the deceased had temperature and on this account was advised to remain in hospital until temperature had subsided. Contrary to medical advice, the deceased left hospital. Subsequently as a result of the formation of the an abscess on the brain the deceased died. But no death would have resulted, if he had not insisted on leaving the hospital against medical advice. His death really ensued because of his weak physical condition due to his suffering from chronic malaria and because his powers of registance to infection had been much lowered by that disease. No abscess would have formed on the brain if the deceased had been in normal state of health and he died from abscess and not from the injury which had only a remote connection with the abscess. The immediate cause of the deceased's death was his debilitated condition for which the injury was in no way responsible.

It was held in the circumstances that the accused was guilty of causing simple hurl punishable under Section 324. Dunkley, J. observed at P. 144:

Therefore it cannot be held that the act of the appellant caused the death of the deceased. The only case in which the infliction of an injury of this nature under similar circumstances could be held to amount to culpable homicide or murder is a case falling within Clause 2 of Section 300, I. P. C. namely, if the act is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused. If there had been evidence to show that the appellant was at the time aware of the stale of the deceased's health and therefore knew that even a slight injury was likely to result in his death, his act might have been brought under this clause, but there is no such evidence.

16. The following observations of Roberts, C. J. in the case are opposite in the circumstances of the present case. The learned Judge observed:

It really is plain commensense that, if a man strikes another such a blow as will not in the ordinary course of events cause more than simple hurt, he is answerable for causing simple hurt and, for no more. No doubt, the natural effect of some grave wounds, if not medically treated, is septic inflammation, if death proceeds from this in the ordinary course the offender is prima facie guilty of murder; if death is

merely the likely result of such an injury, it is culpable homicide. But here the dangerous condition which supervened was an unlikelv consequence of a blow comparatively trivial in character although the weapon was a dangerous one. The fact that a dangerous weapon is used is often and may be indeed generally, a matter to be taken into account in deciding questions of intention; but circumstances after cases, and, having regard to the medical evidence here as to the wound itself it is impossible to say that there was an intention to cause death. The offence could not therefore amount even to culpable homicide.

The leading case in this Court is in re Doraswami, ILR (1944) Mad 437 : AIR 1944 Mad 157 , where the principle is thus enunciated at p. 446 (of ILR Mad): (at p. 160 of AIR):

In my view, the test is whether the cause of death is to be directly associated with the act. Whether it be a deliberate act in criminal cases or an accident in cases of work-meH's compensation it is, I think, well known that the ultimate cause of death in a large number of cases is pneumonia. It would be a strange position if a man who inflicts a wound causing almost immediate death should be guilty of murder, whilsl a man who inflicts a very similar wound from which pneumonia supervenes should not. On the facts of this case, it is clear to me that the deceased man, in spite of his physique which is said to have been exceptionally robust, died as a direct result of the injuries inflicted upon him by the appellant; and that the appellant intended his death is evident from the facts. The result was not as immediate as he intended and not perhaps quite in the manner that he intended. But in the process of nature, in spite of medical attention, one of the well known perils from a wound supervened, namely, blood poisoning, and the deceased died. The chain of causation is in my view direct.

Reference may also be made to a decision of the Kerala High Court in Yohannan v. State : AIR1958 Ker207 . The accused in that case stabbed his wife in the middle of the back with such force as to penetrate the spinal cavity and cause damage to the cord, the intention in the circumstances having been only to kill her. The injury resulted in paralysis of the lower limbs and of the bladder, followed by cystitis and bed sore and the, victim died after seven months in the hospital.

Holding death was caused by the injury and the accused was guilty of nothing short of murder, after referring to the view of Mayne in his Criminal Law of India, already set out, the leamed Judge observed:

Where without the intervention of any considerable change of circumstances the death is connected with the act of violence by a chain of causes and effects, the death must be regarded as a proximate and not too remote a cowsequence of the act of violence.

17. After referring to ILR (1944) Mad 437 : AIR 1944 Mad 157 it is observed at page 211:

That in this case the perial that supervened as a consequence of the injury was cystitis and not blood poisoning, and that death occurred after merely seven months instead of after a fortnight as in that case makes no difference. The chain of causation is in our view direct, and the intention to cause death being established, the accused is guilty of nothing short of murder.

In Taylor's Principles and Practice of Medical Jurisprudence, 11th Edn. Vol. 1, at page 232, it is stated:

A wound may cause death either directly or Indirectly. A wound operates as a direct cause of death when the wounded person dies either immediately or very soon after its infliction, and there is no other cause of death. In wounds which cause death indirectly the deceased survives for a certain period, and the wound is complicated by inflammation embolism, pneumonia, tetanus, or some other mortal disease which is a consequence of the injury. Cases which prove fatal by reason of surgical operation rendered imperatively necessary for the treatment of injuries presuming that these operations have been performed with ordinary skill and care, also fall into this category.... It would be no answer to a charge of death from violence to say that there was disease in the body of the victim unless the disease was the sole cause of death.

At page 238, the learned author observes:

Certain kinds of injuries are not immediately followed by various consequences: but an injured person may die after a long or shorter period and his death may be as much a consequence of the injury as if it had taken place on the spot. An aggressor is as responsible as if the deceased had been directly killed by his violence provided the fatal result can be traced to probable consequences of the injury....Death may follow a wound, and be a consequence of that wound, at almost any period after its infliction. It is necessary however, in order to maintain a charge of homicide, that death should be strictly and clearly traceable to the injury. A doubt on this point must of course lead to an acquittal of the accused' The question whether the offence in this case is culpable homicide or not arises in view of certain answers given by P. W. 10; To a question from court whether septicaemia condition is an inherent possibility of multiple injuries or a supervening possibility, the answer given is that it is only a supervening possibility. The witnesses further stated

The septicaemia condition is not inevitable in the case of multiple injuries like this case. All that I can say is that in this case all necessary precautions were taken and proper treatment was given to avoid the supervening of this condition.

But earlier the doctor had categorically stated:

In my opinion the cause of death was due to septicaemia caused by delayed complications of multiple injuries.... The delayed complications and the consequent septicaemia were due to the multiple injuries received by the injured. There could not have been the a condition of septicaemia but for the multiple injuries.

When asked to explain what was meant by the delayed complications of the multiple injuries, the witness answered:

If the patient had died within 2 or 3 days, we would have held that the complications were immediate. Because the patient survived for 50 days, and died of complications thereafter I have described 'delayed complications of multiple injuries'. The septicaemia condition was manifest as the delayed complication in this case.

Septicaemia is described by the medical authorities (see the Essentials of Modern Surgery by Handfield Jones and Pokitt, V Edn) as the condition which results where the circulation becomes flooded with bacteria, due either to the failure of local defensive reactions at the site of infection or to delayed or inadequate treatment. According to the learned authors every penetrating wound except these inflicted by the surgeon is potentially infected, though a certain period elapsed before invading organisms actually establish themselves become embedded in the tissues to multiply and form taxins.

18. Now even when the deceased was admitted into the hospital, P. W. 10 considered her condition serious; there had been much bleeding and loss of blood and death was apprehended. The deceased is stated to have been in normal health at the time of the admission but for the multiple injuries. At the time of the post mortem the amputated portion had not healed and there was infection in all injuries. Dr. Jayalakshmi who actually treated the deceased noticed even on the 18 th September 1964, three days after the admission, that the wounds were septic exuding thick pus. Antibiotics were being administered and when complications developed on the 20th October 1964, the treatment was switched over to more powerful antibiotics. P. W. 17 states that there was indication in this case that infection could have set in even from the beginning. No doubt it was a supervening condition and is not inevitable in cases of multiple injuries. In the process of nature sepsis had set in in respect of medical attention and one of the well known perils from wounds supervened. According to P. W. 10 there could not have been the condition of septicaemia but for the multiple injuries. Now the injuries inflicted by the accused themselves were sufficient in the ordinary course of nature to cause death and would come under 'Thirdly' of Section 300 I. P. C. Death has ultimately resulted, the victim not having recovered from the injuries meanwhile. The presence of the supervening cause in the circumstances will not, in our view, alter the culpability. There has been no such considerable change of circumstances as to cut the chain of causation. It would have been quite a different matter if the original injuries had healed meanwhile or ceased to be dangerous to life as In re Pichai R. T. No. 29 of 1954 (Mad) and the fatal complications had sett in unexpectedly. The accused would then at any rate be entitled to the benefit of doubt as to the cause of death. That is not so in. this case. But the mere fact that

death was! not immediate or shortly after the receipt of the injuries and medical men in their attempt to save life probably slaved of the natural end from the injuries for a time, cannot diminish the responsibility of the accused for the result of his act.

19. In the circumstances, we see no reason to differ from the learned Sessions Judge, that the offence made out is one coming thirdly of Section 300 I. P. C. punishable under Section 302 I. P. C. Taking into consideration the age of the accused and other attendant circumstances the learned Sessions Judge felt that the sentence of imprisonment for life would satisfy the ends of justice and we agree with him. In the result the appeal fails and is dismissed.