

In Re: Venkatasubbier and ors.

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Court : Chennai

Decided On : Dec-15-1922

Reported in : 72Ind.Cas.356

Judge : Krishnan, J.

Appellant : In Re: Venkatasubbier and ors.

Judgement :

ORDER

Krishnan, J.

1. It is argued that the conviction under Section 147, Indian Penal Code, was wrong as no force or violence was used to any person and the accused are guilty under Section 143 only. The definition of 'force' is given in Section 349 of the Indian Penal Code. Now these accused are found to have gone and beaten en the door when the complainant fled away to save himself from being beaten and shut himself up in his room. Whatever difficulty there may be in bringing the action of the accused within the definition of force it is clear they used violence which is sufficient under Section 146 of the Indian Penal Code, to make their offence rioting. This view is supported by the ruling in Samaruddin v. Emperor 40 C. 367 : 13 Cr.L.J. 821, where it was held that the word 'violence' was not restricted to force used against persons only but extends also to force against inanimate objects. The accused were, therefore, rightly convicted under Section 147 of the

Indian Penal Code.

2. The fines, however, seem to me to be excessive in the case of the Pariah accused Nos. 4 to 14. Their fines will be reduced to rupees ten each, in default two weeks' rigorous imprisonment. The sentences of the others are confirmed. Excess fines, if collected, would be refunded.

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