

In Re: Dasan Alias Devan

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Court : Chennai

Decided On : Feb-11-1929

Reported in : 116Ind.Cas.142

Judge : Waller and ;Pandalai, JJ.

Appellant : In Re: Dasan Alias Devan

Judgement :

1. The appellant has been convicted of the murder of his wife. That they were on bad terms is clear. The woman went out with the appellant to a Shola on 25th June. He came back without her and gave a false explanation of her absence. On 27th her dead body was found lying in a stream in the Shola. About 10 feet from it was a large chisel that had been in the possession of the appellant. The body had been partly devoured by wild beasts, but enough of it remained to show that the woman's throat had been cut, obviously with the chisel. The circumstantial evidence is overwhelming and its truth is established by the confession made by the appellant to P.W. No. 7, whose evidence the Sessions Judge accepted and we accept.

2. The conviction is correct. The only question that remains is that of sentence. The Sessions Judge did not pass sentence of death, because he thought that the appellant entertained a suspicion whether well-founded or not against his wife in relation to one Jadayan Wife murder is exceedingly common and we do not think that mere suspicion of a wife's conduct is any extenuation of a deliberate murder

of this kind. The only foundation for the alleged suspicion in this case is to be found in the confession made by the appellant to P.W. No. 7 in which he gave this motive for the murder. The rest of the evidence shows the wife to have been a perfectly well behaved woman, whom the appellant treated very ill. The appellant's own brother admits this and adds that he never heard any talk about her relations with Jadayan. We are very reluctant to enhance the sentence, but feel that there was no justification, in this instance, for the passing of any sentence, other than death. Nor do we wish to offer any encouragement to the idea that men can butcher their wives and escape hanging on the plea that they suspected them of misconduct,

3. We confirm the conviction and enhance the sentence to one of death.

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