

**In Re: Mir Hyder Saheb**

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**SooperKanoon Citation :** [sooperkanoon.com/820897](http://sooperkanoon.com/820897)

**Court :** Chennai

**Decided On :** Mar-12-1915

**Reported in :** AIR1916Mad1038(1); 29Ind.Cas.88

**Judge :** Kumaraswami Sastri, J.

**Appellant :** In Re: Mir Hyder Saheb

**Judgement :**

ORDER

**Kumaraswami Sastri, J.**

1. All that appears from the evidence is that 2nd accused, who was sitting on the pial, said 'beat.' I am of opinion that the 2nd accused on the evidence can only be convicted of abetment of an offence under Section 352 of the Indian Penal Code. The particular intention required to be proved before a conviction under Section 353 or 355 can be sustained has not been made out. I convict the accused of abetment of an offence under Section 352 and alter the sentence into one of imprisonment for the period he has already undergone and a fine of Rs. 100. As the fine has been paid, it is not necessary to fix any imprisonment in default.