

The Public Prosecutor Vs. Thandavan Chetty

The Public Prosecutor Vs. Thandavan Chetty

SooperKanoon Citation : sooperkanoon.com/822809

Court : Chennai

Decided On : Apr-28-1915

Reported in : 29Ind.Cas.671

Judge : John Wallis, C.J. and ;Coutts-Trotter, J.

Appellant : The Public Prosecutor

Respondent : Thandavan Chetty

Judgement :

1. The Sessions Judge has not considered the provisions of a law applicable to this offence having regard to the nature of the injuries inflicted by the accused. Under Section 300 (3), of the Indian Penal Code the offence is ordinarily murder if the bodily injury intended to be inflicted was sufficient in the ordinary course of nature to cause death. The accused in addition to other wounds inflicted a stab in the back one inch deep which pierced the pleura. This, in our opinion, was an injury sufficient in the ordinary course of nature to cause death. The Medical Officer, thinking the wound was only half an inch deep, stated in the wound certificate that the wounds were not serious. Before the Magistrate he deposed in answer to a question that that he had made this statement, but cannot, we think, have intended to repeat it in the light, of the fuller information obtained afi the post mortem examination. If the wound was of the serious character indicated, it cannot, in our opinion, be seriously suggested that there was any provocation which would take the case out of the section. 'We allow the appeal, convict the

accused of murder under Section 302 of the Indian Penal Code, and sentence him to transportation for life.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com