

Mantajali Vs. Emperor

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Court : Kolkata

Decided On : Feb-27-1920

Reported in : 55Ind.Cas.477

Judge : Lancelot Sanderson, C.J. and ;Walmsley, J.

Appellant : Mantajali

Respondent : Emperor

Judgement :

Lancelot Sanderson, C.J.

1. In this case the appellant was convicted of the murder of his wife and was sentenced to transportation for life. He was tried by the learned Additional Sessions Judge of Cachar assisted by two Assessors. The opinions of the Assessors were as follows. The first Assessor said: 'in my opinion the accused is not guilty. I give him the benefit of' doubt. It is probable that the accused committed the murder under insanity.' The second Assessor said: 'in my opinion the accused is not guilty. The accused committed the murder while he was insane.' It' appears to me that the opinions expressed! by the Assessors are not consistent, but I gather from them that the Assessors were really of opinion that the accused- person murdered his wife, but that he was insane at the time he committed the murder. The? learned Additional Sessions Judge has found that there is no doubt that the accused person did murder his wife. I think the: evidence

on that point is over whelming and I agree with the conclusion at which; the learned Sessions Judge arrived on that point. That being so, the learned Judge was right in holding that it lay upon the accused to show that he was exempted from' criminal responsibility, by reason of unsoundness of mind. He examined the evidence and he came to the conclusion that the accused had not discharged that onus, In my judgment; the learned Additional Sessions Judge was right on the second point. I quote from the decision in the case of Queen-Empress V. Kader Natyer Shah 23 C. 604 at p. 607; 'It must also be borne in mind that it is not every form of unsoundness of mind that would exempt one from criminal responsibility. The law on the subject is that laid down in Section 84 of the Indian Penal Code, which enacts, that 'nothing is an offence which is done by a person who at the time of doing it by reason of unsoundness of mind is incapable of knowing the nature of the act, or that he is doing what is either wrongs or contrary to law.' Then the learned Judges refer to the opinions of the Judges given in answer to the questions put to them by the House of Lords in McNaghten's case and point out that it is only unsoundness of mind which materially impairs the cognitive faculties of the mind that can form a ground of exemption from criminal responsibility, the nature and the extent of the unsoundness of mind required being such as would make the offender incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law. In the present case, the allegation on behalf of the defence was that the accused person had been suffering from derangement of mind some days previous to the 24th of July, and the accused's statement was that he saw a large Rakshasa (which I understand means a demon) running towards him in a threatening mood and so he struck him with a spear. Then he saw that his wife had been killed. From that and other statements which he made, I understand him to have meant that he thought that there was a demon in his wife or that his wife was a demon and so he struck with the spear and killed his wife. Whether that was really the case depends almost entirely upon the accused's own statement; and, having regard to the medical evidence in this case, in my judgment, the learned Judge was right in coming to the conclusion that the accused had not discharged the onus which lay upon him of showing that he was exempted from criminal responsibility by reason of such unsoundness of mind, as would make him incapable of knowing the nature of the act or that he was doing

what was either wrong or contrary to law.

2. At the same time my learned brother and I are of opinion that the evidence does disclose that the accused person was suffering from mental derangement of some sort at the time the act was committed: and, although we dismiss the appeal and confirm the conviction for murder and the sentence of transportation for life, which is the only sentence besides the sentence of death which the law prescribes for the offence of murder, we direct that the proceedings be forwarded to the Chief Commissioner of Assam with a copy of our judgment and our recommendation that the case maybe dealt with by the Local Government under Section 401 of the Code of Criminal Procedure in such manner as it thinks fit.

Walmsley, J.

3. I agree.

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