

**Basiruddin and ors. Vs. King-emperor**

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**SooperKanoon Citation : [sooperkanoon.com/880821](http://sooperkanoon.com/880821)**

**Court : Kolkata**

**Decided On : Jan-21-1927**

**Reported in : AIR1927Cal931a,101Ind.Cas.660**

**Appellant : Basiruddin and ors.**

**Respondent : King-emperor**

**Judgement :**

1. In this case the petitioners have been convicted under Section 117, I.P.C. and sentenced to nine months' rigorous imprisonment. They have also been convicted under Section 325 read with Section 149, I.P.C. and sentenced to nine months' rigorous imprisonment each the sentences to run consecutively. The separate sentences under these two sections are clearly illegal in view of the provisions of Section 71, I.P.C. Kiamuddi Karikar v. Emperor : AIR1924 Cal771 . We accordingly set aside the sentences passed under Section 147, I.P.C. The petitioners will serve out the sentence of nine months' rigorous imprisonment under Section 325, 149, I.P.C. The order under Section 106, Criminal P.C. upon the accused is maintained.