

(1880) 02 AHC CK 0006

Allahabad High Court

Case No: None

Empress of India

APPELLANT

Vs

Kishna and Another

RESPONDENT

Date of Decision: Feb. 18, 1880

Citation: (1880) ILR (All) 713

Hon'ble Judges: Pearson, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Pearson, J.

No one is present on behalf of the appellant to support the appeal. The grounds on which the findings of the Sessions Judge are appealed against are not apparent from the petition of appeal. Those findings, however, appear to me to be obnoxious to grave objections. The appellant has been found guilty of causing the disappearance of evidence of an offence committed with the intention of screening himself and other offenders from legal punishment. Now Section 201, Indian Penal Code, has been held to refer to persons other, than the actual offenders; and therefore the appellant in this case could not properly be punished for what he may have done to screen himself from punishment. But, as a matter of fact, he did not, by removing the corpse of Jiwan from one field to another, cause any evidence of Jiwan's murder which that corpse afforded to disappear. His object may have been to divert suspicion from himself or from Bhikan; but his act does not constitute the offence defined in Section 201, Indian Penal Code. The conviction and sentence under that section are therefore annulled.