



**LECTURES ON  
THE PAKISTAN PENAL CODE  
(WITH LEADING CASES)**

By

**DR. LUTFUL KABIR, LL.B. (Cal), PH.D. (London)**

Reader, Department of Law, University of Dacca; Advocate,  
High Court, Dacca; Ex-Military Officer (War Medalist);  
University Gold Medalist; Kedarnath Banerjee Gold Medalist;  
J. Chaudhury Silver Medalist; Sir William Ritchie Prizeman  
University Prizeman; S.N. Law College Prizeman

LAW HOUSE  
37/C, FULLER ROAD  
DACCA

1970

*Published by :*  
Mrs. L.N. Chowdhurany,  
Proprietress,  
Law House,  
37/C, Fuller Road,  
Dacca-2 (East Pakistan)  
Phone :

First Edition 1970

*All rights reserved by the Publisher*

Price : Rs. 0

*Printed by :*  
A. Jabbar,  
Venus Printing Works,  
15/3, Hatkhola Road, Dacca-3

## PREFACE

This book contains my lectures that I delivered before the LL.B. (Preliminary) students of the University of Dacca in the last two sessions and before the E.P.C.S. (Class I) Probationers (12th batch, 1969) at the Gazetted Officers' Training Academy, Dacca.

When the University authorities abolished six posts of part-time teachers in 1968 on a flimsy ground that the number of students decreased, a heavy load was imposed upon some teachers. I was assigned a number of subjects, *viz.*, (1) Roman Law, (2) Law of Crimes, (3) Law of Evidence and (4) Specific Relief Act. Fortunately, Mr. Justice A.S. Chowdhury was entrusted with the administration of the University in December, 1969. On assumption of office as a Vice-Chancellor of this University, His Lordship realised the importance of the Faculty of Law and sanctioned six posts from the session 1970-71. It is expected that our work load will be reduced after the appointment of the new teachers.

The Law of Crimes comprises two parts, *viz.*, (a) The Pakistan Penal Code, and (b) the Criminal Procedure Code. In order to make the subject interesting I have explained the provisions of the law with reference to interesting leading cases and illustrations. The scope, object and the guiding principles of the sections are indicated. The rulings of the Supreme Court and the High Courts have been incorporated.

In preparing my lectures I have received valuable assistance from Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore's Law of Crimes and Dr. Sir Hari Singh Gour's Penal Law of India. I acknowledge my debt to the learned Authors.

In spite of all endeavours it was not possible to publish the book free from mistakes which have caused some damage to the accuracy. I offer my regret for this inconvenience. Readers are referred to the errata provided at the end of the book.

I express my sincere thanks to my publisher whose keen interest has made this publication possible.

I like to place on record my sincere thanks to the authorities of the Eastern Mercantile Bank Ltd., specially to Mr. Jalilur Rahman Chowdhury, M.Com., Manager, Jinnah Avenue Branch, Dacca for extending financial support towards the publication of this book.

My thanks are also due to the printer and proof-readers for their sincere co-operation with my publisher.

Dacca,  
November 1,  
1970

L. KABIR

## CONTENTS

	<i>Page</i>
<i>Preface</i> .. .. .	<i>iii</i>
<i>Table of Cases</i> .. .. .	<i>xx</i>
<i>Citations &amp; abbreviations</i> .. .. .	<i>xxix</i>

### CHAPTER I

#### INTRODUCTION

1. History of Criminal Law in India & Pakistan .. .. .	1
2. Meaning of Crime .. .. .	6
3. Presumption of Innocence .. .. .	10
4. <i>Mens rea</i> .. .. .	11
5. Intention .. .. .	13
6. Motive .. .. .	14
7. Mistake of Fact .. .. .	17
8. Mistake of Law .. .. .	18
9. Liability of master for acts of his servant .. .. .	19
10. General Scheme of the Pakistan Penal Code .. .. .	21
11. Extent of operation of the Pakistan Penal Code (s.1) .. .. .	23
12. Intra-territorial operation of the Code (s. 2) .. .. .	23
13. Extra-territorial operation of the Code (ss. 3,4) .. .. .	25

### CHAPTER II

#### GENERAL EXPLANATIONS

1. Definitions .. .. .	28-45
Gender (s. 8) .. .. .	28
Number (s. 9) .. .. .	28
Man; Woman (s. 10) .. .. .	28
Person (s. 11) .. .. .	28
Public (s. 12) .. .. .	29
Servant of the State (s. 14) .. .. .	29
Government (s. 17) .. .. .	29
Judge (s. 19) .. .. .	29

	<i>Page</i>
Court of Justice (s. 20) .. ..	29
Public Servant (s. 21) .. ..	29
Moveable property (s. 22) .. ..	34
Wrongful gain (s. 23) .. ..	34
Wrongful loss (s. 23) .. ..	34
Gaining wrongfully (s. 23) .. ..	34
Losing wrongfully (s. 23) .. ..	34
Dishonestly (s. 24) .. ..	35
Fraudulently (s. 25) .. ..	36
Distinction between "fraudulently" and "dishonestly"	37
Reason to believe (s. 26) .. ..	38
✓Property in possession of wife, clerk or servant (s. 27)	38
Counterfeit (s. 28) .. ..	38
Document (s. 29) .. ..	39
✓Valuable security (s. 30) .. ..	41
✓Distinction between document and valuable security	41
Will (s. 31) .. ..	42
Words referring to acts include illegal omissions (s.32)	42
Act; Omission (s. 33) .. ..	42
Voluntarily (s. 39) .. ..	42
Offence (s. 40) .. ..	42
Special Law (s. 41) .. ..	43
Local Law (s. 42) .. ..	43
Illegal (s. 43) .. ..	43
Legally bound to do (s. 43) .. ..	43
Injury (s. 44) .. ..	43
Life (s. 45) .. ..	43
Death (s. 46) .. ..	43
Animal (s. 47) .. ..	43
Vessel (s. 48) .. ..	43
Year ; Month (s. 49) .. ..	43
Section (s. 50) .. ..	43
Oath (s. 51) .. ..	43
Good faith (s. 52) .. ..	44
Harbour (s. 52A) .. ..	45
Joint liability in crime (ss. 34-38) .. ..	45

### CHAPTER III

#### OF PUNISHMENTS

	<i>Page</i>
1. Object of Punishment .. ..	54
2. Kinds of Punishments (s. 53) .. ..	55
Death .. ..	55
Transportation .. ..	56
Imprisonment .. ..	57
Maximum and minimum terms of imprisonment .. ..	59
Solitary confinement .. ..	59
Forfeiture of property .. ..	60
Fine .. ..	61
Imprisonment in default of fine (s. 64) .. ..	61
Whipping .. ..	63
Detention in reformatories .. ..	63
3. Pardoning of Sentence (s.55A) .. ..	63
4. Rules for assessment of punishment (ss.71, 72) .. ..	63
5. Enhanced punishment for subsequent offences (s. 75) .. ..	65

### CHAPTER IV

#### GENERAL EXCEPTIONS

Exceptions to criminal liability (ss. 76-106) .. ..	67-94
1. Act done by a person bound, or by mistake of fact believing himself bound, by law (s. 76) .. ..	68
2. Act of Judge when acting judicially (s. 77) .. ..	69
3. Act done pursuant to the judgment or order of Court (s. 78) .. ..	69
4. Act done by a person justified, or by mistake of fact believing himself justified, by law (s. 79) .. ..	70
5. Accident in doing a lawful act (s. 80) .. ..	71
6. Act likely to cause harm, but done without criminal intent, and to prevent other harm (s. 81) .. ..	72
7. Act of a child under 7 years of age (s. 82) .. ..	74
8. Act of a child above 7 and under 12 of immature understanding (s. 83) .. ..	74

	<i>Page</i>
9. Act of a person of unsound mind (s. 84) ..	75
10. Act of a person incapable of judgment by reason of intoxication caused against his will (s. 85) ..	78
11. Act not intended and not known to be likely to cause death or grievous hurt, done by consent (s. 87) ..	79
12. Act not intended to cause death, done by consent in good faith for person's benefit (s. 88) ..	80
13. Act done in good faith for benefit of child or insane person, by or by consent of guardian (s. 89) ..	81
14. Act done in good faith for benefit of a person with- out consent (s. 92) ..	83
15. Communication made in good faith (s. 93) ..	84
16. Act to which a person is compelled by threats (s. 94) ..	84
17. Act causing slight harm (s. 95) ..	85
18. Things done in private defence (ss. 96-106) ..	87
Right of private defence of body (ss. 97, 98, 99, 100, 101, 102, 106) ..	87
Right of private defence of property (ss. 97, 99, 103, 104, 105) ..	93

## CHAPTER V

## OF ABETMENT

1. Abetment of a thing (s. 107) ..	96
2. Who is an abettor (s. 108) ..	96
3. Punishment for abetting (ss. 109-119) ..	98

## CHAPTER VA

## CRIMINAL CONSPIRACY

1. Criminal conspiracy (s. 120A) ..	104
2. Punishment of Criminal conspiracy (s. 120B) ..	105
3. Distinction between Criminal conspiracy and Abetment ..	105

## CHAPTER VI

### OF OFFENCES AGAINST THE STATE

	<i>Page</i>
Classification of offences against the State ..	106
1. Offences against Pakistan (ss. 121-124A) ..	106
The ingredients of the offence of waging war against Pakistan .. ..	107
Sedition (s.124A) .. ..	107
2. Offences concerning the relations of Pakistan with other Governments (ss.125-127) ..	109
3. Offences concerning custody of prisoners of State or of War (ss.128-130) .. ..	109

## CHAPTER VII

### OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

110

## CHAPTER VIII

### OF OFFENCES AGAINST THE PUBLIC TRANQUILITY

✓ 1. Unlawful assembly (s. 141) .. ..	111
Who is a member of an unlawful assembly (s. 142) .. ..	112
Liability of a member of an unlawful assembly (s. 149) .. ..	112
Difference between section 34 and section 149 ..	114
✓ 2. Rioting (s. 146) .. ..	115
Distinction between Riot and Unlawful assembly	116
Distinction between Riot and Waging war ..	116
3. Promoting enmity between classes (s. 153A) ..	116
4. Affray (s.159) .. ..	116
Difference between Riot and Affray ..	117
Difference between Affray and Assault ..	117

## CHAPTER IX

### OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

✓ 1. Bribery or taking gratification (s. 161) ..	118
--	-----

	<i>Page</i>
2. Offences by public servants (ss. 161, 164,169) ..	121
3. Offences relating to public servants (ss. 162, 163,170,171) ..	123

CHAPTER IXA

OF OFFENCES RELATING TO ELECTIONS

1. Definitions :	126—129
Election (s. 21. expl. 3) ..	32,126
Candidate (s. 171A) ..	126
Electoral right (s. 171A) ..	126
Bribery at an election (s. 171B) ..	127
Undue influence at elections (s. 171C) ..	127
Personation at elections (s. 171D) ..	129
2. Offences against elections (ss. 171B-171-I) ..	130

CHAPTER X

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

1. Wilful omission or evasion of the performance of a public duty (ss. 172-187) ..	131
2. Wilful refusal to do certain acts (ss. 178-180) ..	134
3. Giving false information to a public servant (ss. 177-182) ..	135
4. Illegal purchase of or bid for property (s. 185) ..	137
5. Obstructing or disobeying a public servant (ss. 183-188) ..	138
6. Threat of injury (ss. 189,190) ..	141

CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

4. False Evidence (ss. 191-200) ..	142
Giving false evidence (s. 191) ..	142
Fabricating false evidence (s. 192) ..	144

	<i>Page</i>
Distinction between giving false evidence and fabricating false evidence .. ..	146
Aggravated forms of giving or fabricating false evidence (ss. 194, 195) .. ..	147
Offences punishable in the same way as giving or fabricating false evidence (ss. 196-200) .. ..	147
2. Causing disappearance of evidence, giving false information and destruction of documentary evidence (ss. 201-204) .. ..	148
3. False Personations (ss. 140, 170, 171, 171D, 205, 229, 419) .. ..	149
4. Abuse of Process of Court (ss. 206-210) .. ..	150
5. False charge of an offence (s. 211) .. ..	150
Distinction between making a false charge and institution of false criminal proceedings .. ..	151
Distinction between false charge and false information .. ..	152
6. Screening of Offenders (ss. 201, 213-215) .. ..	152
7. Harboursing of Offenders (ss. 52A, 212, 216, 216A) .. ..	153
8. Offences against justice by public servants (ss. 217-223, 225A) .. ..	154
9. Resisting the law or attempting to escape from custody (ss. 224, 225, 225B) .. ..	156
10. Transgression of punishment (ss. 226, 227) .. ..	157
11. Contempt of Court (s. 228) .. ..	157

## CHAPTER XII

OF OFFENCES RELATING TO COIN AND  
GOVERNMENT STAMPS

Coin defined (s. 230) .. ..	159
1. Offences relating to coins (ss. 231-254) .. ..	159
1. Counterfeiting (ss. 231-243) .. ..	159
2. Acts of mint employees (ss. 244, 245) .. ..	161
3. Alteration of coins (ss. 246-254) .. ..	161
2. Offences relating to Government Stamps (ss. 255-263A) .. ..	162

## CHAPTER XIII

OFFENCES RELATING TO WEIGHTS AND  
MEASURES (ss. 264-267) .. ..

164

## CHAPTER XIV

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY,  
CONVENIENCE, DECENCY AND MORALS

1. Offences affecting public health (ss. 268-278) ..	165
(1) Public nuisance (s. 268) ..	165
Kinds of nuisance ..	165
Public nuisance ..	166
Private nuisance ..	166
Distinction between Public and Private nuisance ..	166
(2) Acts likely to spread infection (ss. 269-271) ..	167
(3) Adulteration of food or drink (s. 272) ..	167
(4) Adulteration of Drugs (ss. 274-276) ..	168
(5) Fouling water, and vitiating atmosphere (s. 277, 278) ..	169
2. Offences affecting public safety and convenience (ss. 279-291) ..	169
3. Offences affecting decency and morals (ss. 292-294A) ..	171
(1) Prevention of obscenity (ss. 292-294) ..	172
Test of obscenity ..	173
(2) Keeping lottery office (s. 294A) ..	174

## CHAPTER XV

## OF OFFENCES RELATING TO RELIGION .. 175

## CHAPTER XVI

## OF OFFENCES AFFECTING THE HUMAN BODY

1. Offences against human life (ss. 299-318) ..	176-191
✓ Homicide ..	176
✓ Culpable homicide (s. 299) ..	177
✓ Murder (s. 300) ..	179

	<i>Page</i>
When culpable homicide is not murder (Excep. to s. 300) ..	180
Distinction between culpable homicide and murder ..	183
Punishment for murder and culpable homicide not amounting to murder (ss. 302,304) ..	186
English law ..	186
Causing death by negligence (s. 304A) ..	187
Abetment of Suicide (s. 305) ..	189
Attempt to commit culpable homicide, or murder, or suicide (ss. 307-309) ..	189
Thug (s. 310) ..	190
Offences relating to birth of children (ss. 312-318) ..	190
2. Offences against human body (ss. 319-377) ..	191-213
Hurt (s. 319) ..	191
Grievous hurt (s. 320) ..	192
Aggravated forms of the offence of hurt and grievous hurt (ss. 324-338) ..	192
Wrongful restraint (s. 339) ..	194
Wrongful Confinement (s. 340) ..	195
Distinction between wrongful restraint and wrongful confinement ..	196
Aggravated forms of wrongful confinement (ss. 343-348) ..	196
Force (s. 349) ..	197
Criminal force (s. 350) ..	198
Points that must be proved in order to convict a person of the offence of using criminal force ...	200
Assault (s. 351) ..	200
Points that must be proved in order to convict a person of the offence of assault ..	201
Distinction between assault and criminal force ..	201
Distinction between assault and affray ..	202
Aggravated forms of the offence of assault or use of criminal force (ss. 353-357) ..	202
Kidnapping (ss. 360,361) ..	203

Distinction between Kidnapping from Pakistan and Kidnapping from lawful guardianship ..	Page 204
Abduction (s. 362) ..	204
Distinction between abduction and kidnapping ..	204
Aggravated forms of the offence of kidnapping or abduction, (ss. 364-369) ..	205
Slavery (ss. 370,371) ..	206
Sale or purchase of minors for immoral purposes (ss. 372-373) ..	206
Forced labour (s. 374) ..	207
Rape (s. 375) ..	207
Points requiring proof in case of Rape ..	212
Unnatural offences (s. 377) ..	213

## CHAPTER XVII

## OF OFFENCES AGAINST PROPERTY

I. Offences dealing with deprivation of property (ss. 378-424) ..	214-251
(1) Theft (s. 378) ..	214
Aggravated forms of theft (ss. 380-382) ..	218
Difference between Larceny and Theft ..	218
(2) Extortion (s. 383) ..	220
Putting person in fear of injury in order to commit extortion (s. 385) ..	221
Aggravated forms of extortion (ss. 386-389) ..	222
Difference between theft and extortion ..	223
(3) Robbery (s. 390) ..	223
Difference between theft and robbery ..	224
Difference between extortion and robbery ..	225
(4) Dacoity (s. 391) ..	225
Dacoity with murder (s. 396) ..	226
Aggravated forms of robbery or dacoity (ss. 397-398) ..	227
Distinction between robbery and dacoity ..	228
✓ Distinction between extortion, theft, robbery and dacoity ..	228

	<i>Page</i>
(5) Dishonest or Criminal misappropriation of property (s. 403)	228
Criminal misappropriation explained ..	231
Distinction between theft and criminal misappropriation ..	232
Aggravated form of criminal misappropriation (s. 404) ..	233
(6) Criminal breach of trust (s. 405) ..	234
Distinction between theft and criminal breach of trust ..	236
Distinction between criminal misappropriation and criminal breach of trust ..	237
Aggravated forms of criminal breach of trust (ss. 407-409) ..	238
Stolen property (s. 410) ..	238
(7) Receiving stolen property (s. 411) ..	241
Distinction between dishonestly receiving and retaining stolen property ..	242
Aggravated forms of receiving stolen property (ss. 412-414) ..	242
(8) Cheating (s. 415) ..	243
Difference between English law and Pakistan law of cheating ..	247
Distinction between cheating and extortion ..	247
Distinction between cheating and theft ..	248
Difference between cheating and criminal misappropriation ..	248
Distinction between cheating, criminal misappropriation and criminal breach of trust ..	248
Cheating by personation (s. 416) ..	249
Summary of law relating to false personation ..	250
Aggravated forms of cheating (ss. 418-420) ..	250
(9) Fraudulent deeds and dispositions of property (ss. 421-424) ..	251
2. Offences dealing with damage to property (ss. 425-440) ..	251

	<i>Page</i>
Mischief (s. 425) ..	251
Aggravated forms of mischief (ss. 427-440) ..	253
3. Offences dealing with violation of rights to property in order to commit some other offences (ss. 441-462) ..	255
(1) Criminal trespass (s. 441) ..	255
(2) House-trespass (s. 442) ..	259
Aggravated forms of house-trespass (ss. 449-452)	259
(3) Lurking house-trespass (ss. 443,444) ..	260
(4) House-breaking (s. 445) ..	261
House-breaking by night (s. 446) ..	263
Aggravated forms of the offence of lurking house-trespass or house-breaking (ss. 454-459) ..	263
Aggravated forms of lurking house-trespass by night and house-breaking by night (ss. 457-460) ..	263
Distinction between house-trespass and house- breaking ..	264
Distinction between criminal trespass and house- breaking ..	264
Distinction between criminal trespass, house- trespass and house-breaking ..	265

#### CHAPTER XVIII

#### OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS

1. Offences relating to documents (ss. 463-477A) ..	266
(1) Forgery (s. 463) ..	266
(2) Making a false document (s. 464) ..	267
Aggravated forms of forgery (ss. 466-469) ..	271
(3) Forged document (ss. 470, 471) ..	272
(4) Other offences relating to documents (ss. 472-477A) ..	272
Falsification of Accounts (s. 477A) ..	273
2. Offences relating to trade, property and other marks (ss. 478-489) ..	274
(1) Trade mark (s. 478) ..	274

CONTENTS

xvii

	<i>Page</i>
(2) Using a false trade mark (s. 480) ..	274
(3) Property mark (s.479) ..	275
(4) Using a false property mark (s.481) ..	275
Distinction between trade mark and property mark ..	276
(5) Offences relating to counterfeiting any trade or property mark (ss.483-489) ..	276
3. Offences relating to Currency Notes and Bank- Notes (ss.489A-489E) ..	277

CHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

1. Breach of contract (s.491) ..	278
2. Why a breach of contract is penalised ..	279

CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE

1. Mock or invalid marriages (ss.493,496) ..	280
2. Bigamy (s.494) ..	280
Points to be proved by the prosecution on a charge of bigamy ..	281
Defences ..	281
3. Adultery (s.497) ..	282
Points to be proved by the prosecution on a charge of adultery ..	283
defences ..	283
Differences between adultery and rape ..	283
4. Criminal elopement (s.498) ..	284
Summary of offences relating to marriage (ss. 493-498) ..	285

CHAPTER XXI

OF DEFAMATION

1. Law of defamation (s.499) ..	286
2. Exceptions to the offence of defamation (s.499) ..	288

	<i>Page</i>
3. Distinction between English and Pakistan law of defamation .. ..	291
4. Other cognate offences (ss.501,502) .. ..	292

#### CHAPTER XXII

#### OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

1. Criminal intimidation (s.503) .. ..	293
2. Distinction between criminal intimidation and extortion .. ..	294
3. Distinction between criminal intimidation and assault .. ..	295
4. Insult (ss.504,509) .. ..	295
5. Statements conducing to public mischief (s.505) .. ..	296
6. Divine displeasure (s.508) .. ..	297
7. Misconduct in public by a drunken person (s.510) .. ..	297

#### CHAPTER XXIII

#### OF ATTEMPTS TO COMMIT OFFENCES

1. Attempt to commit offences (s.511) .. ..	299
2. Different stages of the commission of the offence .. ..	299
3. Distinction between abetment and attempt .. ..	301

#### LEADING CASES .. 303-357

1. Barendra Kumar Ghosh v. King Emperor .. ..	303
2. Mahbub Shah v. Emperor .. ..	306
3. Amritalal Hazara v. Emperor .. ..	309
4. Barindra Kumar Ghose & others v. King Emperor .. ..	314
5. Pulin Behari Das & others v. King Emperor .. ..	316
6. Queen Empress v. Bal Gangadhar Tilak .. ..	319
7. Ganouri Lal Das and others v. Queen Empress .. ..	323
8. In re. Matilal Ghosh & others .. ..	326
9. Reg v. Govinda .. ..	332

## TABLE OF CASES

	<i>Page</i>
Abdul Bari v. Crown .. ..	120
Abdul Latif v. Crown .. ..	47,96
Abdul Majid .. ..	211
Abul Monsur v. State .. ..	32
Abdul Sattar v. Crown .. ..	75
Abdul Wahab v. State .. ..	33
Abdus Sattar v. State .. ..	33
Adams .. ..	291
Adivigadu .. ..	239
Ahmad v. Crown .. ..	45,90
Ahmed Kabir v. State .. ..	33
A.H. Skone v. M. Bason .. ..	158
Akbar Kazee .. ..	209
A.K.M. Shamsul Huq Chowdhury v. State .. ..	33
Al-haj Abdur Rob v. Mobarakullah .. ..	33
Allen .. ..	211
Amanat Ali v. State .. ..	34
American Exchange in Europe .. ..	330
Amir Hossain v. Crown .. ..	64
Amrita Lal Bose v. Corporation of Calcutta .. ..	356,357
Amrita Lal Hazara v. Emperor .. ..	309
Anglo American Oil Co. Ltd., v. Manning .. ..	20
Arjad v. Crown .. ..	256
A. Sattar v. State .. ..	69
Atta Muhammad v. State .. ..	76,78
Ashit Kumar Aditya v. State .. ..	120
Asgar Ali v. State .. ..	33
Azhar Khan v. State .. ..	141
Babaji Bin Bhau .. ..	236
Bahar v. Crown .. ..	48
Bangabasi's Case .. ..	320
Barendra v. King Emperor .. ..	47,49,303,308

CONTENTS

xix

	<i>Page</i>
10. Vaithinatha Pillai v. The King Emperor . . .	334
11. Kwaku Mensah v. The King ..	338
12. Basudeo Balawant Gogte v. Emperor ..	342
13. Bhagiram Dome v. Abar Dome and others ..	345
14. Prosonno Kumar Patra v. Udoy Sant ..	347
15. Queen Empress v. Sri Churn Chungo ..	349
16. Queen Empress v. Abbas Ali ..	352
17. Amrita Lal Bose v. Corporation of Calcutta ..	356
<i>Questions</i> ..	358
<i>Index</i> ..	375
<i>Errata</i> ..	421

TABLE OF CASES

xxi

	<i>Page</i>
Barindra Kumar Ghose v. King Emperor	313,314,318
Bhagiram Dome v. Abar Dome ..	231,345
Bhawoo Jivaji v. Mulji Dayal ..	44,70
Bhola ..	256
Bird v. Jones ..	195
Boyle v. Smith ..	20
Chandra Kanta Ghosh v. The Improvement Trust ..	327
Charna v. State ..	79
Chokraj Marwori ..	167
Clarence ..	209
Commissioner of Police v. Cartman ..	20
Crown v. Esop ..	23
Crown v. Fateh Md. ..	90,91
Crown v. Muhammad Ali ..	141
Dabee Sing ..	247
Daktar Ali v. Sukramain Das ..	63
Dalan ..	240
Debi ..	226
Devkinandan ..	235
Dhunum Kazee ..	37
Director of Public Prosecutions v. Beard ..	79
Dudley & Stephens ..	74
Ekram Hossain v. State ..	183
Emperor v. Abdul Qadir ..	112
Emperor v. Anis Beg ..	192
Emperor v. Babulal ..	19
Emperor v. Balkrishna Narhar Velhankar ..	258
Emperor v. Beharilal ..	20
Emperor v. Bhaga Mana ..	139
Emperor v. Chanda ..	253
Emperor v. Chaturbhuj ..	222
Emperor v. De Souza ..	187
Emperor v. Fazlur Rahman ..	222
Emperor v. Hargayan ..	153
Emperor v. Jamestji ..	236
Emperor v. Jwala ..	39

	<i>Page</i>
Emperor v. Krishtappa .. ..	40
Emperor v. Mahiji Fula .. ..	284
Emperor v. Mammun .. ..	91
Emperor v. Moses .. ..	236
Emperor v. Narumal .. ..	168
Emperor v. Ramava .. ..	188
Emperor v. Ramnath .. ..	129
Emperor v. Rash Behary Das .. ..	274
Emperor v. Salig Ram .. ..	168
Emperor v. Suleman .. ..	139
Emperor v. Tarak Das Gupta .. ..	295
Emperor v. Venkatrao .. ..	158
Emperor v. Yar Muhammad .. ..	141
Empress v. Mcleod .. ..	21
Fatik Talukdar v. State .. ..	41
Fazar v. Crown .. ..	48
Fazlul Haque v. State .. ..	64
Feroz Khan v. State .. ..	91
Flattery .. ..	208
Ganouri Lal Das v. Queen Empress .. ..	323
Gaya Din .. ..	44
Gholam Yusaf v. Crown .. ..	76
Ghulam v. Crown .. ..	263
Ghulam Hussain v. King .. ..	52
Gobinda Prosad v. State .. ..	41,257,258
Gonesh Sing v. Ram .. ..	46
Govt. of Bengal v. Sheo Gholam Lalla .. ..	86
Hafizuddin v. State .. ..	64
Hamida Banu v. Ashiq Hossain .. ..	88
Hancock .. ..	241
Hari Prasad .. ..	41
Harish Chandra v. Rex .. ..	245
Harkana Biswas v. Suvak Singh .. ..	258
Haroon Malakar v. Crown .. ..	32
Hayat .. ..	45

TABLE OF CASES

xxiii

	<i>Page</i>
Hughes .. ..	211
Huree Mohun Mythee .. ..	210,212
Illahi Baksh v. State .. ..	260
Jabbar v. State .. ..	28
Jafar Ali .. ..	239
Jageshar v. Emperor .. ..	72
Jahir v. State .. ..	69
Jalal Ahmed v. State .. ..	182
Jalal Din v. Crown .. ..	72
Jamna Das .. ..	257
Janab Ali v. State .. ..	113
Jantan .. ..	211
Jayakrishna Samanta v. Emperor .. ..	86
Jiwan Singh .. ..	257
Jnanendra Nath v. Mokbul Hossain .. ..	146
John Cox .. ..	211
Jordan .. ..	211
Joseph Lines .. ..	211
Kabir Ahmed v. S.D.O. Chittagong Authority .. ..	194
Kadir Bux .. ..	245
Kala Singh v. Emperor .. ..	92
Kanwal Ram .. ..	281
Karim v. State .. ..	89
Kedar Nath Chatterjee v. King Emperor .. ..	37
Kishori Lal Chatterji .. ..	245
Khabiruddin v. Crown .. ..	32
Khajah Noorul Hossein v. C. Fabre Tonnerre .. ..	115
Khalil v. State .. ..	49
Khondkar Abu Taleb v. State .. ..	288
King Emperor v. Sadashiv Bhalerao .. ..	322
King Emperor v. Tirumal .. ..	312
Komul Das .. ..	247
Kotamraju v. Emperor .. ..	36,271
Krishnan .. ..	246
Kshitesh Chandra Chakarhati v. Emperor .. ..	250

	<i>Page</i>
Kwaku Mensah v. The King .. .. .	338
Lashkar v. Crown .. .. .	227
Legal Remembrancer v. Motilal Ghose .. .. .	328
Lingayya .. .. .	226
Local Government v. Seth Motilal Jain .. .. .	39
Loknath v. Crown .. .. .	33
Lowe .. .. .	20
Mahbub Shah v. Emperor .. .. .	49,306
Mamatazuddin v. Crown .. .. .	64
M. Anwar v. Saadat Khayali .. .. .	288
Matilal Ghose & others .. .. .	326
Mathri .. .. .	257
Manindra v. State .. .. .	33
Mcleod v. St. Aubyn .. .. .	330
Medley .. .. .	20
Md. Akbar v. State .. .. .	48
Md. Ashraf Ali v. State .. .. .	96
Md. Aslam v. Crown .. .. .	48
Md. Halim v. State .. .. .	33
Md. Ismail .. .. .	104
Md. Rashid v. State .. .. .	38
Md. Sadiq v. State .. .. .	64
Md. Sharif v. Crown .. .. .	92
Md. Sharif v. State .. .. .	295
Md. Yaqub v. Crown .. .. .	47,104
Mepa Dana .. .. .	46
Mervin Lord Audley's Case .. .. .	212
Moharaj Din .. .. .	211
Moheshwari Prasad Singh .. .. .	239
Mohomed Kassem Chisti .. .. .	296
Moorga Chitty's Case .. .. .	239
Mujibor Rahman v. State .. .. .	33
Mul Chand .. .. .	239
Mullins v. Collins .. .. .	19
Mumtaz Ahmed Khan v. State .. .. .	212
Muzaffar Ahmed v. State .. .. .	120

TABLE OF CASES

xxv

	<i>Page</i>
Nabi Baksh v. Queen .. ..	35
Nash's Case .. ..	37
Natha .. ..	211
Nayan Suk Mether .. ..	60
Nirmal Kanta Roy's Case .. ..	304,305
Nurul Kabir v. Administrator of Wakf .. ..	137
Nurul Islam v. State .. ..	32
Osimuddin Sarker v. State .. ..	124
Pantam v. Venkayya .. ..	129
Paul De Cruz .. ..	141
Preman .. ..	257
Prince's Case .. ..	17
Prithiraj v. State .. ..	244
Prosanno Kumar Patra v. Udoy Sant ... ..	347,350,351
Public Prosecutor v. Munisami .. ..	149
Punjaji Bapuji Bagal v. Emperor .. ..	253
Puddomonie Boistobee .. ..	247
Pulin Behari Das v. King Emperor .. ..	316
Qaim Din v. State .. ..	66
Queen v. Abbas Ali .. ..	36
Queen v. Appasami .. ..	249,271
Queen v. Baku .. ..	14
Queen v. Bal Gangadhar Tilak .. ..	319
Queen v. Begarayi Krishna .. ..	75
Queen v. Butchi .. ..	38
Queen v. Lal Mohammed .. ..	35
Queen v. Madaree .. ..	15
Queen v. Nagappa .. ..	19
Queen v. Poonai Fattemah .. ..	82
Queen v. Preonath Banerjee .. ..	15
Queen v. Raghunath Rai .. ..	15
Queen v. Ramasami .. ..	41
Queen v. Ram Baran .. ..	15,226
Queen v. Sasi Bhusan .. ..	352
Queen v. Sheefait Ally .. ..	40
Queen v. Shivram .. ..	34

	<i>Page</i>
Queen v. Tyab Ali .. .. .	19
Queen Empress v. Abbas Ali .. .. .	352
Queen Empress v. Haradan .. .. .	352,355
Queen Empress v. Kisan Babu .. .. .	133
Queen Empress v. Sri Churn Chungo .. .. .	15,35,348,349
Queen Empress v. Tiruchittambala .. .. .	138
Qutub v. State .. .. .	62
Raghubar Dayal .. .. .	294
Rahman Sardar v. Crown .. .. .	113
Rahmatullah v. State .. .. .	256
Raj Raj Dev v. Gangadhar .. .. .	129
Rakman .. .. .	247
Ramakrishna .. .. .	231
Raman Behari Roy v. Emperor .. .. .	244
Ramasami .. .. .	86
Ramaswami Ayyar v. King .. .. .	40
Ram Dayal .. .. .	168
Ramesh Chandra Arora .. .. .	294
Ram Saran .. .. .	257
Ram Saran Das v. Crown .. .. .	128
Reg v. Cassidy .. .. .	344
Reg v. Dhania Daji .. .. .	73
Reg v. Ferroll .. .. .	211
Reg v. Govinda .. .. .	184,332
Reg v. McNaughten .. .. .	77
Reg v. Soshi Bhushan .. .. .	37
Rewail v. State .. .. .	64
Rex v. Narain Rao .. .. .	245
Russen .. .. .	211
Sadar Ali v. Crown .. .. .	47,48
Sakharam v. Emperor .. .. .	138
Salimullah Khan v. Crown .. .. .	33
Sanaullah v. Crown .. .. .	48
Schmidt .. .. .	240
Schooner v.M. Faddon .. .. .	25

## TABLE OF CASES

xxvii

	<i>Page</i>
Shafiq Ahmed v. State .. ..	62
Shakir Hossain v. State .. ..	235
Shambhu Khatri .. ..	210
Sheik Mujibur Rahman v. State .. ..	32
Sheo Surun v. Md. Fazil Khan .. ..	45
Sherras v. De Rutzen .. ..	12
Shewram .. ..	247
Shoshi Bhusan v. Walmsley .. ..	86
Shyama Charan v. S.D.M. Belonia .. ..	40
Sivarama v. State .. ..	170
Srish Chandra Sircar v. Emperor .. ..	21
State v. Ali Akhtar .. ..	32
State v. Balashri Das Sutradhar .. ..	76
State v. Fazar Ali .. ..	139
State v. Illahi Bux .. ..	120
State v. Krishna Pillai .. ..	62
S. Selvayagam v. King .. ..	256
State of Maharastra v. Syndicate Transport Co. .. ..	28
State v. Manzoor .. ..	88
State v. Sardar Ataullah Khan .. ..	108
State v. Sushil Chandra Basu .. ..	140
Stephens .. ..	20
St. James Evening Post .. ..	330
Sube Khan v. State .. ..	69
Subrahmania v. King Emperor .. ..	311
Sukarao Kabiraj v. Emperor .. ..	44,187
Sukhdeo Pathak .. ..	246
Sultan Muhammad v. Crown .. ..	94
Sunkergope .. ..	239
Suppakon .. ..	150
Surendra Nath v. Emperor .. ..	36
Surendra Nath Banerjee v. Chief Justice .. ..	158,328
Suresh Chandra Chakma v. State .. ..	33
Suri Venkatappaya v. Madula .. ..	34
Syed Jafar Shah v. Crown .. ..	120
Taj Din v. Crown .. ..	70

	<i>Page</i>
Tanba Sadashio .. ..	256
Tāpti Prasad v. Emperor .. ..	188
Tatya Tukaram Khabali .. ..	212
Tera Mia v. Crown .. ..	48
T.H. Bird .. ..	256
Timmappa .. ..	72
Tottitodiyil Ahmed Kutti .. ..	211
Trilochan Singh v. Director S.I.S. .. ..	257
Tufail Md. v. Crown .. ..	32
Uttam Chand v. Emperor .. ..	20
Vaithinatha Pillai v. King Emperor .. ..	334
Vasudeo Balawant Gogte v. Emperor .. ..	342
Velayudham Pillai .. ..	39
Villensky .. ..	239,240
Waryam Singh v. Crown .. ..	46
Williams .. ..	209
William's Case .. ..	208
Woolmington v. Director of Public Prosecutions .. ..	187
Yaqub Beg v. State .. ..	172
Zainal Abedin v. State .. ..	32
Z.A. Sulleri v. Crown .. ..	108

## CITATIONS & ABBREVIATIONS

A.C.	..	Appeal Cases, Law Reports.
A.L.J.	..	Allahabad Law Journal.
All. L.J.	..	.. " " "
A.I.R. (All).	..	All India Reporter, Allahabad
A.I.R. (A.P.)	..	.. " " " Andhra Pradesh.
A.I.R. (Bom.)	..	.. " " " Bombay.
A.I.R. (Orissa)	..	.. " " " Orissa.
A.I.R. (Pat.)	..	.. " " " Patna.
A.I.R. (P.C.)	..	.. " " " Privy Council.
A.I.R. (S.C.)	..	.. " " " Supreme Court.
A.I.R. (T.C.)	..	.. " " " Travancore & Cochin.
A.W.N.	..	Allahabad Weekly Notes.
B.H.C.	..	Bombay High Court, Reports.
B.H.C. (Cr.)	..	.. " " " Criminal Cases.
Bom. L.R.	..	Bombay Law Reporter.
B.L.R. (Cr.)	..	Bengal Law Reports (Criminal Cases).
Cal.	..	Indian Law Reports, Calcutta Series.
C & K.	..	Carrington & Kirwan.
C & P.	..	Carrington & Payne.
Cl. & F.	..	Clark & Finnelly.
Cox.	..	Cox's Criminal Cases.
Cranchi.	..	Cranch's Reports, Supreme Court of the United States.
Cr. L.J.	..	Criminal Law Journal.
C.W.N.	..	Calcutta Weekly Notes.
Den. C.C.	..	Denison's Crown Cases.
D.L.R.	..	Dacca Law Reports.
D.L.R. (W.P.)	..	.. " " " (West Pakistan).
D.L.R. (S.C.)	..	.. " " " (Supreme Court).
East. P.C.	..	East's Pleas of the Crown.
F.B.	..	Full Bench.
F.C.	..	Federal Court.
First Report	..	First Report of the Law Commissioners.

I.A.	..	Indian Appeals.
<i>Ibid.</i>	..	Same as above.
I.C.	..	Indian Cases.
I.L.R. (All.)	..	Indian Law Reports, Allahabad Series.
" (Bom).	..	"  "  "  Bombay Series.
" (Cal.)	..	"  "  "  Calcutta Series.
" (Lah.)	..	"  "  "  Lahore Series.
" (Luc.)	..	"  "  "  Lucknow Series.
" (Mad.)	..	"  "  "  Madras Series.
" (Pat.)	..	"  "  "  Patna Series.
K.B.	..	Law Reports, King's Bench.
L.J. Ch.	..	Law Journal, Chancery.
L.R. Ch.	..	Law Reports, Chancery Division.
L.R. C.C.R.	..	Law Reports, Crown Cases Reserved.
L.T.	..	Law Times.
M.H.C.	..	Madras High Court Reports.
Nag.	..	Indian Law Reports, Nagpore Series.
N.W.P.	..	N.W.P. High Court Reports.
<i>Op. cit.</i>	..	Already cited.
P.C.	..	Privy Council.
P.L.D. (Baluch).	..	Pakistan Legal Decisions (Baluchistan).
P.L.D. (Dacca).	..	"  "  "  (Dacca).
P.L.D. (Lah.)	..	"  "  "  (Lahore).
P.L.D. (Pesh.)	..	"  "  "  (Peshawar).
P.L.D. (Sind.)	..	"  "  "  (Sind).
P.L.D. (S.C.)	..	"  "  "  (Supreme Court).
P.L.J.	..	Patna Law Journal.
P.L.R. (Dac.)	..	Pakistan Law Reports, Dacca Series.
P.L.R. (Lah.)	..	"  "  "  Lahore Series.
P.P.C.	..	"  Penal Code.
P.R. No.	..	Punjab Record, 1862-1919.
Q.B.	..	Law Reports, Queen's Bench.
Q.B.D.	..	Queen's Bench Division.
Raj.	..	Indian Law Reports, Rajasthan Series.
S.B.	..	Special Bench.
S.C.R.	..	Supreme Court Reports (India).

St. Tr.	.. State Trials.
<i>Supra</i>	.. Above.
Unrep. Bom.	.. Unreported Criminal Cases of the High Court of Bombay.
Weir.	.. Weir's Law of Offences & Criminal Law (4th Ed.), 1905.
W.R. (Cr.)	.. Sutherland's Weekly Reporter (Criminal).