

Bhagwan And Ors. vs The State Of Uttar Pradesh on 27 July, 1951

Equivalent citations: AIR1953ALL358, AIR 1953 ALLAHABAD 358

ORDER

Bind Basni Prasad, J.

1. This is a petition in revision arising out of a case in which the applicants were convicted under Section 323/34, I. P. C., and sentenced to one year's rigorous imprisonment.

2. The cattle of the applicants were grazing the crop in the complainant's field and he was taking them to the cattle-pound when the applicants attacked the complainant and inflicted on his person a number of injuries. One of them was of a serious nature being an injury on the head, the rest were simple. The learned Magistrate convicted them of the offence under Section 323/34, I. P. C., and sentenced them to one year's rigorous imprisonment each. In appeal the learned Sessions Judge altered the conviction to one under Section 323/34, but maintained the sentence.

3. The finding of fact is clear and categorical that the injuries were caused to Sri Ram by the applicants. There is no good reason to interfere with that finding.

4. Learned counsel has, however, pressed for the reduction of the sentence. Experience shows that it is becoming common now that when cattle stray into one's held and they are taken to the cattle-pound, the owners of the cattle attack the persons whose field they graze and injure them. This must be stopped with stern hands. Cattle owners should take care of the cattle and they should not cause injuries to the crop of others.

This is particularly necessary in this agricultural country, at a time when there is food scarcity. Having regard to these circumstances and the serious injuries caused to Sri Ram, I see no good reason to reduce the sentence.

5. The revision is dismissed. The bail bonds are cancelled. The applicants shall be taken into custody and serve out the remainder of their sentences.