

Allahabad High Court

Naurang And Anr. vs Emperor on 30 January, 1915

Equivalent citations: 28 Ind Cas 651

Author: Piggott

Bench: Piggott

JUDGMENT Piggott, J.

1. The point of law taken by this application is whether a person who entices away a married woman from her husband's house, with intent that he may dispose of her in marriage to some one else, has committed an offence under Section 498 of the Indian Penal Code. I hold in the affirmative, on the ground that sexual intercourse between the woman and any other person to whom she has thus been given in marriage, during the life-time of her husband, would be illicit intercourse within the meaning of the section in question. An examination of the record in this case suggests some doubt as to whether a more serious offence, falling under the abduction sections of the Indian Penal Code, was not committed; that under the circumstances, and in view of the fact that the applicants Naurang and Tota were re-tried after having been once discharged and that the sentence passed upon them is a fairly substantial one, I am not disposed to direct further action to be taken against them. I dismiss this application.