

**APPELLATE CRIMINAL.**

*Before Mr. Justice Harrison and Mr. Justice Dalip Singh.*

MANI RAM, Appellant

*versus*

THE CROWN, Respondent.

Criminal Appeal No. 846 of 1926.

*Indian Penal Code, 1860, sections 84 and 302—"Unsoundness of mind" and "insanity"—meaning of—Murders—four in rapid succession—absence of motive, pre-arrangement or secrecy.*

The accused, after killing four persons in rapid succession with a *gandasa*, dropped it and began to run away, and subsequently volunteered information concerning the death of one of the deceased. There were no accomplices nor any evidence of motive, secrecy or pre-arrangement on the part of the accused.

*Held*, that a man may be suffering from some form of insanity in the sense in which the words would be used by an alienist but may not be suffering from unsoundness of mind as defined in section 84 of the Indian Penal Code. The law recognises nothing but incapacity to realise the nature of the act and presumes that where a man's mind or his faculties of ratiocination are sufficiently clear to apprehend what he is doing, he must always be presumed to intend the consequences of the action he takes.

*And*, that the accused had been rightly convicted under section 302.

*Appeal from the order of Rai Bahadur Lala Sri Ram, Poplai, Sessions Judge, Karnal, dated the 6th July 1926, convicting the appellant.*

SHAMAIR CHAND, for Appellant.

RAM LAL, Assistant Legal Remembrancer, for Respondent.

The judgment of the Court was delivered by—  
HARRISON J.—The facts of this case are absolutely clear and counsel does not question the correctness of the evidence by which they are proved.

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One Mani Ram, a man of 50 years of age, murdered four persons with a *gandasa* in rapid succession. These were his two nephews, aged 4 and 12, *Mussammatt* Balam Kaur, the wife of his neighbour, aged 30, and her boy Fatta, aged 4. One Ram Sarup was passing the house of Kirpa, the neighbour, and on hearing cries went in and saw Mani Ram striking *Mussammatt* Balam Kaur with a *gandasa*. He said "O Butcher: what are you doing?" On this Mani Ram dropped the *gandasa* and ran away, and was caught with the assistance of Sheo Datt and Hardat Singh. On going into the room where the corpse of *Mussammatt* Balam Kaur was lying Fatta, her child, was found murdered and Ram Kishen, the younger nephew of Mani Ram, was lying seriously wounded. This boy was taken to hospital, where he died, and stated before his death that his uncle had killed him. When they were ready to start for the *thana* a remark was made that Sarupa, the elder son of the brother Sri Ram, was also missing and the accused volunteered the information that he had murdered him and thrown him into Nathuwali Johri where he was found.

Such are the facts and the only point agitated before us is that the very nature of the acts committed establishes that Mani Ram must have been suffering from "unsoundness of mind" in the sense in which the words are used in section 84 of the Indian Penal Code. Four witnesses were produced for his defence but their evidence is of no value, and counsel urges that the conduct of Mani Ram coupled with the presence of the five circumstances detailed both in Lyon's Jurisprudence and Modi's Jurisprudence leads to the irresistible conclusion that he was suffering not only from paralysis of the will but also from paralysis of

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the mind in the sense that he was incapable of knowing the nature of his act or that he was doing what was either wrong or contrary to law. These five circumstances are :—

- (1) The absence of any motive;
- (2) The absence of secrecy;
- (3) Multiple murders;
- (4) Want of pre-arrangement; and
- (5) Want of accomplices.

These five circumstances do exist in this case, but Counsel has been unable to satisfy us that the mere presence of these five circumstances fulfils the requirements of section 84 of the Indian Penal Code. The words there used are very clear, and it is a commonplace that a man may be suffering from some form of insanity in the sense in which the words would be used by an alienist, but may not be suffering from unsoundness of mind as defined in section 84. The law recognises nothing but incapacity to realise the nature of the act, and presumes that where a man's mind or his faculties of ratiocination are sufficiently clear to apprehend what he is doing he must always be presumed to intend the consequences of the action he takes. It is perfectly clear in this case from the conduct of the accused, from the fact that he dropped the *gandasa*, from the fact that he began to run away, and from the fact that he volunteered the information that he had murdered the elder nephew, that he knew what he was doing and that what he was doing was wrong. We have no option in the matter but to find that the accused has wholly failed to establish unsoundness of mind.

We, therefore, dismiss his appeal and confirm the sentence of death.

N. F. E.

*Appeal dismissed.*