

Removing court held  
him guilty under  
sections 392



**ASSIGN  
BUSTER**

Removing ornaments from the body of the victim after causing her death is not robbery because dead body is not a person and ornaments cannot be held to be in possession of a dead body.

This cannot be misappropriation either because the accused has been acquitted of the charge of murder. Where some of the accused persons were sentenced to ten years' rigorous imprisonment and some others to eight years, and apparently there was no justification for doing so, it was proper to award uniform sentence of seven years against all the accused. Where two persons were charged under sections 302, 304 and 392, and were convicted under sections 302 and 392, and one of them did not appeal while the other was acquitted in appeal, the other who did not go for appeal also deserved to be acquitted. In *Mohammad Ishaq v. S. Kazam Pasha*, where an accused unlawfully acted at the instance of the first accused with common object, the Supreme Court held him guilty under sections 392 and 452 of the Code.

The offence under section 392 is cognizable, non-bailable and non-compoundable, and is triable by magistrate of the first class.