

IPC S. 149 - Mere fact that the appellant was not brave enough to conceal where the victim was hiding did not make him a part of the unlawful assembly. Held, presence of the appellant is explained at the early hours in the morning because of his house being almost adjacent to where the deceased was hiding. He certainly did not come along with the mob. That does not preclude him from being part of the mob or acquiring the common intention at that stage, but then that is not what happened. He was carrying no weapon and he did not assault anybody. The finding of his accompanying the mob is not sustainable on the basis of the evidence discussed above. The only evidence of his involvement is that he pointed to the house where the victim was hiding. Given that a murderous mob fully armed was hunting for him, the appellant at best can be said not to be brave enough to conceal the deceased or even to have not pointed out where he was, but that by itself cannot rope in the appellant under Section 149 of the IPC

[2021 SCeJ 1262, 2021 PLRonline 17302](#)

Supreme Court eJournal | Supreme Court Online