

Empress Vs. Baibaya

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SooperKanoon Citation : sooperkanoon.com/327218

Court : Mumbai

Decided On : Jan-11-1883

Reported in : (1883)ILR7Bom126

Judge : Melvill and ;Pinhey, JJ.

Appellant : Empress

Respondent : Baibaya

Judgement :

Melvill, J.

1. The conduct of the accused does not constitute the offence of which she has been convicted. In order to constitute the offence of mischief it is not sufficient to show that the accused was guilty of carelessness in allowing her goat to stray. The prosecution was bound to show that there was an intention to cause wrongful loss or damage. The same view has been taken by the Calcutta and Madras High Courts in cases reported in 6 Bengal Law Reports, Appendix 3, and 6 M H C R 36. The Court, therefore, reverses the conviction and sentence, and directs the fine to be returned to the accused.