

Emperor Vs. Jamnadas Vasanji

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Court : Mumbai

Decided On : Feb-17-1915

Reported in : (1915)17BOMLR389

Judge : Heaton and ;Shah, JJ.

Appeal No. : Criminal Revision No. 407 of 1914

Appellant : Emperor

Respondent : Jamnadas Vasanji

Judgement :

Heaton, J.

1. This may be a hard case, but it seems to me to be a case as to which the law is quite clear. There is an accusation of cheating against a trader of Salem in the Madras Presidency. The alleged cheating is that he deceived a trader in Dhulia in this Presidency by leading him to believe that he was buying clean ground-nut oil when, in reality, he was buying a mixture of ground nut oil with rock oil. The Dhulia trader, it is said, was induced by the deceit to pay the price agreed upon on the understanding that it was clean oil. If the facts are as I have stated, there is a case of cheating. One of the essential ingredients of cheating, one of those things without which there cannot be cheating as defined in the Indian Penal Code, is deceit. There must be a person who deceives and a person who is deceived.

Here, according to the allegations, the person who was deceived was at Dhulia, it was there that he was the victim of the deceit, there that he was led to believe that which was untrue. Section 179 of the Criminal Procedure Code says that when a person is accused of the commission of any offence by reason of anything which has been done, then the offence may be inquired into by a Court within the local limits of whose jurisdiction the thing has been done. Here the thing which has been done is the deceiving of the complainant. He has been deceived in Dhulia, and to me, at least, it is clear, absolutely clear, that, under the law, the Courts at Dhulia have jurisdiction in this case. Whether the Courts at Dhulia are the Courts which, with the best regard for the administration of justice, ought to hear the case is another matter. But we are here concerned with the bare question of law. There is no application before us of any kind except to interfere on the ground that the Dhulia Court is without jurisdiction, and we are unable to say that the Dhulia Court is without jurisdiction. Therefore, I think the rule should be discharged.

Shah, J.

2. I agree.

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