

Emperor Vs. Jani Hira

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SooperKanoon Citation : sooperkanoon.com/331886

Court : Mumbai

Decided On : May-25-1912

Reported in : (1912)14BOMLR503

Judge : Heaton and ;Macleod, JJ.

Appeal No. : Criminal Application No. 43 of 1912

Appellant : Emperor

Respondent : Jani Hira

Judgement :

1. For the reasons stated by the Sessions Judge in his statement of the case we think that this is not a case for a criminal Court. The accused and the complainant had entered into a contract which was clearly void for immorality. Therefore the complainant would not be entitled to obtain any relief from a Civil Court for its breach. That is no reason why he should be allowed to prosecute the accused on a charge of cheating. Therefore, we think, that the Magistrate's conviction and sentence must be reversed and the accused acquitted and discharged.