

Emperor Vs. Phillip Spratt (No. 2)

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Court : Mumbai

Decided On : Nov-21-1927

Reported in : AIR1928Bom77; (1928)30BOMLR314; 108Ind.Cas.32

Judge : Fawcett, J.

Appeal No. : Case No. 1 (Fifth Criminal Sessions, 1927)

Appellant : Emperor

Respondent : Phillip Spratt (No. 2)

Judgement :

Fawcett, J.

1. I hold the document is relevant and admissible.
2. It is relied on regarding accused's intention, and if this is what he wrote or typed, it falls under Sections 9 and 14 of the Indian Evidence Act.
3. It is an original, so far as it is relied on as a piece of evidence, found in accused's possession, and alleged to implicate him; so the question of its being secondary evidence of an original letter does not bar its admission.
4. As to the question whether a letter in accordance with this document was actually sent) to Mr. Horniman, this is a distinct question on which it is open to

counsel to argue before the Court or to adduce evidence : but I do not agree with Mr. Talyarkhan that it is necessary for the prosecution to prove that such a letter was sent, before this document can be admitted.

5. Document admitted, subject to evidence as to the signature being accused's or the typewriting being from the machine, Ex. I.

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