

Ram Autar Vs. Emperor

Ram Autar Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/453870

Court : Allahabad

Decided On : Jan-07-1925

Reported in : AIR1925All478; 87Ind.Cas.846

Appellant : Ram Autar

Respondent : Emperor

Judgement :

Mukerji, J.

1. The applicant has been convicted of the offence under Section 411 of the Indian Penal Code and the allegation against him is that he was in possession of a stolen lota and a stolen thali.
2. This application in revision, in my opinion, should succeed on two grounds. First the whole case is a very suspicious one, and, secondly, even if all the facts found by the learned Sessions Judge in appeal be accepted, it has not been established that the appellant was in possession of the stolen articles.
3. On the first point. The judgment of the learned Sessions Judge leaves an impression on the mind that the accusation was more or less reckless and that the appellant was charged with having stolen more things than have been established to have been stolen property.

4. Coming to the second point. It appears that the goods were found in a room which had no shutters and which was accessible to all the members of a joint family. Here we have at least the appellant, and his father, Ganga Din, living in the house. The principle laid down in the case of Queen Empress v. Sangam Lal (1883) 15 All. 129 and Queen Empress v. Nirmal Das (1900) 22 All. 445 applies.

5. I accept the application in revision and acquitting the appellant of the offence of which he has been convicted set aside the sentence and order his release. The fine, if paid, will be refunded.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com