

**Amir Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/454620](http://sooperkanoon.com/454620)

**Court :** Allahabad

**Decided On :** Mar-24-1925

**Reported in :** AIR1925All498; 87Ind.Cas.927

**Appellant :** Amir

**Respondent :** Emperor

**Judgement :**

**Stuart, J.**

1. I am of opinion that there is considerable force in Mr. Saila Nath Mukerji's argument that no offence has been committed because the empty cartridge cases in question are incapable of being re-loaded in India. In any circumstances I regret the zeal which has caused the prosecution of this particular applicant. While the police were searching his house for stolen property (which was not present), they discovered in a locked box two empty brass 405 used cartridge cases. It seems almost impossible to suggest that the man could have retained cartridge cases for an improper purpose and he probably was refraining them owing to the incurable reluctance common to so many of his countrymen which prevents the throwing away anything, however, useless it may be. He may have kept them as curious or possibly he thought that some day he might add them to a collection of rubbish and obtain something of the nature of one pice for their value as brass. In any circumstances it is difficult to understand why any police officer or Magistrate

should have looked askance at his action.

2. I set aside the conviction and sentence and direct the fine to be refunded.

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