

Emperor Vs. Mata Prasad

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Court : Allahabad

Decided On : Apr-29-1908

Reported in : (1908)ILR30All351

Judge : George Knox and ;Aikman, JJ.

Appellant : Emperor

Respondent : Mata Prasad

Judgement :

George Knox and Aikman, JJ.

1. We think that the first plea taken in the petition of appeal must be sustained. The appellant was charged with three separate acts of criminal misappropriation committed within one year. He was also charged with having committed two separate offences of forgery. All these five offences were tried together at one and the same trial. The joint trial of these five offences cannot be supported by any provision contained in the Code of Criminal Procedure. The series of acts charged do not form the same transaction.

2. We therefore set aside the conviction and order new trials on charges framed in accordance with law. The three acts of criminal misappropriation may form the subject of one trial. Evidence of forgeries may be given in support of the charges of misappropriation. If it is desired to try the accused for the forgeries that must

form the subject of a separate trial.

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