

Queen-Empress Vs. O' Brien

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1897)ILR19All111

Judge : John Edge, Kt., C.J.

Appellant : Queen-Empress

Respondent : O' Brien

Judgement :

John Edge, Kt., C.J.

1. This is an application to the High Court to act under Section 185 of the Code of Criminal Procedure. The case against the applicant is one of an offence alleged to have been committed by him under Section 408 of the Indian Penal Code. The contention on his behalf is that, if he committed any offence, it was committed in Lower Bengal and not within the Magistrates jurisdiction at Cawnpore. Of course I express no opinion whatever as to whether the applicant committed an offence at all. That matter has yet to be decided. If, however, he parted with goods of his employers in Lower Bengal and did not remit the price of those goods, as he was bound to do, to his employers in Cawnpore, it appears to me that the case comes within Section 179 of the Code of Criminal Procedure; that the consequence of the applicant having made away with, for his own purposes, goods of his employers in Lower Bengal, or the price of them, if he did so, was that a loss of the value of

those goods ensued to his employers in Cawnpore. It might be very difficult to prove where the actual offence of breach of trust was committed, Of course the applicant denies he has committed any. At one time he said the goods were on their way to Cawnpore. Another time he said the goods were at Lucknow. The goods have disappeared. The applicant went to Cawnpore and failed to account. The matter oan be inquired into at Cawnpore, and the Magistrate at Cawnpore has jurisdiction in the case. I dismiss the application. As to the charge relating to the coal I have not sufficient facts before me to decide whether the Magistrate has jurisdiction to inquire or not.

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