

Phul Singh and ors. Vs. Emperor

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Court : Allahabad

Decided On : Nov-22-1912

Reported in : 18Ind.Cas.146a

Judge : Tudball, J.

Appellant : Phul Singh and ors.

Respondent : Emperor

Judgement :

Tudball, J.

1. The record of this case has been submitted to this Court by the Sessions Judge, with a recommendation that the convictions and sentences on the accused be set aside. The matter is a dispute between a landlord and a non-occupancy tenant. The tenant's case was that the landlord cut and removed his crops. The landlord's defence was that he removed the crops because he had jointly cultivated the land and was a part owner thereof. There can be very little doubt, as the Sessions Judge has pointed out, that the accused Phul Singh did share in the cultivation and, therefore, he must be deemed to have been in possession of the property alleged to have been stolen. The case is clearly not one in which the accused could possibly have been convicted of theft. I, therefore, accept the recommendation of the Sessions Judge and set aside the convictions and sentence. The fines, if paid, will be refunded. The order for payment of

compensation to the complainant is set aside.

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