

Mahadeo Vs. Emperor

Mahadeo Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/468884

Court : Allahabad

Decided On : Feb-19-1910

Reported in : 6Ind.Cas.563

Judge : Tudball, J.

Appellant : Mahadeo

Respondent : Emperor

Judgement :

Tudball, J.

1. This is an application in Revision against the conviction of the applicant of an offence under Section 408, Indian Penal Code, by a Magistrate of the first class of Mirzapur. The conviction and sentence were upheld on appeal by the Sessions Judge. Briefly stated the facts are as follows: The applicant was employed as an agent by a firm in Mirzapur. Goods were entrusted to him for sale in various districts in Lower Bengal, and from time to time as he sold goods, he remitted money to his employers at Mirzapur. Finally, at the end of the cold weather, he was called upon to furnish accounts. He offered Rs. 500 as a deposit, but did not submit any account. It has been found that he failed to submit any account and that he failed to pay even the Rs. 500 which he had first offered to deposit. There can be no question or doubt that the applicant had to account for either the goods or the money, and that he failed to produce either.

2. Objection is taken that the Courts of Mirzapur had no jurisdiction to try the case against the accused, as the charge showed he had embezzled the money at various places in Lower Bengal. In view of the decision in Queen-Empress v. O'brin 19 A. 111, it seems to me that the Mirzapur Courts had jurisdiction to try the case. It is impossible, to state exactly where the act of embezzlement or the various acts of embezzlement took place; but they must have taken place either at Mirzapur, or at one of the various districts where the applicant travelled in order to sell his master's goods. Section 182 of the Code would apply, it seems to me, equally well. But even if there be any such irregularity, Section 531 is clearly a bar to the interference by this Court in the matter merely on this ground. The second point pleaded is that the matter is merely one of a civil nature. With this I cannot agree. The applicant's behaviour clearly discloses a dishonest intention. The sentence, in my opinion, calls for no interference. The applicant was in a position of trust, and fully deserves the punishment which has been awarded. I, therefore, dismiss the application. The applicant must surrender, and serve out the remainder of his sentence.