

Hira Vs. Emperor

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Court : Allahabad

Decided On : Feb-28-1912

Reported in : 14Ind.Cas.606

Judge : George Knox, J.

Appellant : Hira

Respondent : Emperor

Judgement :

George Knox, J.

1. Hira has been convicted of an offence under Section 411, Indian Penal Code. So far as the evidence shows, several articles were found in his possession and those articles have been found to be stolen property. The case for the prosecution fails, inasmuch as there is no evidence to show that these articles were received at different times or from different persons or from the same person at different times, and so there may be room for doubt that they may have been received at one and the same time. It is true that the accused says that he received different articles from different persons, at different times, but care was not taken by the lower Court to separate these articles. Indeed the lower Court seems to have disbelieved the statement of the accused in this respect. The result is that all that is proved against the accused is that he is a receiver of stolen property knowing it to be stolen and the evidence falls short of showing that this offence of receiving

was a repeated offence. I, therefore, have no alternative but to set aside the conviction and sentence for what is termed in the judgment--the receiving of Ganeshi's property. I set aside the sentence of three months' imprisonment passed in that case.

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