

Emperor Vs. Bhima

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SooperKanoon Citation : sooperkanoon.com/472719

Court : Allahabad

Decided On : Jul-23-1925

Reported in : AIR1926All167

Appellant : Emperor

Respondent : Bhima

Judgement :

Ashworth, J.

1. This is a reference by the District Magistrate of Muttra asking for the transfer of a certain case on the ground that no Court within his district has jurisdiction to try the same. The accused person is being tried for retention in Aligarh of a bullock stolen in Muttra and the Magistrate is of the opinion that the provisions of Section 181(3) Criminal P.C., as amended by Section 22, Criminal Procedure (Amendment) Act. 1923, exclude the jurisdiction of the Muttra Court.

2. The Magistrate has wrongly construed the provision referred to. Section 181(3) Criminal P.C. as amended, means the) the offence of being in possession of stolen property may be inquired into either in the district where it was stolen or where it was found to be dishonestly possessed. This indeed is expressly stated in illustration (b) to Section 180. It must be conceded that the language of Section 181(3) as amended is open to objection. The context requires that the words 'such offence' in that section should mean the offence of theft whereas grammatically

they should mean any offence of possession.

3. For the above reasons, let the record be returned to the Magistrate with a direction that the case be allowed to proceed.

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