

Gopal Vs. Emperor

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Court : Allahabad

Decided On : Jan-12-1917

Reported in : AIR1917All327; 38Ind.Cas.329

Judge : George Knox, J.

Appellant : Gopal

Respondent : Emperor

Judgement :

George Knox, J.

1. Gopal has been convicted of an offence under petition 19(f) of the Arms Act. According to the evidence in the record Gopal is a servant of the Raja of Bijaigarh. The Raja is exempted from the provisions of Sections 13 to 16 of the Indian Arms Act. Gopal pleaded that he had been shooting with the Raja's gun at the Raja's orders on the Raja's behalf. There was evidence to support this, and it is probable. Under such circumstances it was held by this Court in Hurley, In re A.W.N. (1881) 7 and also in Queen-Empress v. Ganga Din 22 A. 118 : A.W.N. (1899) 13 : 9 Ind. Dec. (N.S.) 1108 that a person exempted from the provisions of the Arms Act can send a servant armed with his gun to shoot for him. The conviction and sentence are set aside. The fine, if paid, will be refunded. The gun and ammunition which were confiscated will be returned to the Raja of Bijaigarh, and if the accused is in prison, he will be released.

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