

The Queen Vs. Bojjigan

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Court : Chennai

Decided On : Feb-24-1882

Reported in : (1882)ILR5Mad22

Judge : Innes and ;Muttusami Ayyar, JJ.

Appellant : The Queen

Respondent : Bojjigan

Judgement :

Innes and Muttusami Ayyar, JJ.

1. The Second-class Magistrate convicted the accused of theft and escape from lawful custody.
2. The sentence of two months' rigorous imprisonment awarded for teh latter offence must be set aside.
3. The custody of the fifth and sixth witnesses--a Talyari and a Totti respectively--from which the prisoner is said have escaped was not a lawful custody, as the offence of theft was not committed in the presence of either of them (Criminal Procedure Code, section 1051), and they are not Police officers.
4. The Queen v. M. Sins/p>

Order accordingly.

1. Section 105 - Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence.

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