

Queen-empress Vs. Virasami

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SooperKanoon Citation : sooperkanoon.com/787331

Court : Chennai

Decided On : Dec-07-1900

Reported in : (1901)ILR24Mad319

Judge : Davies and ;Benson, JJ.

Appellant : Queen-empress

Respondent : Virasami

Judgement :

1. We do not agree with the Deputy Magistrate that, because a thief cannot give a legal title in regard to a stamp stolen by him, he is incapable of committing an offence under Section 69 of the General Stamp Act or Section 34 of the Court Fees Act. The words of those sections are,--whoever 'sells or offers for sale' any stamp shall be punished, &c.;, unless he is a person who has been appointed by Government to sell stamps. We think there can be no doubt but that these words include the case of a thief who exchanges a stolen stamp for a sum of money. We, therefore, set aside the acquittal. The judgment of the Deputy Magistrate treats the offence as one under Section 69 of the General Stamp Act, but the appeal petition states that it is one under Section 34 of the Court Fees Act. The stamps are not on the record and we are unable to say against which Act the offence was, in fact, committed. We therefore do not ourselves pass sentence but direct the Deputy Magistrate to restore the case to his file and dispose of it according to law.

