

In Re: Nokole Behara and ors.

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SooperKanoon Citation : sooperkanoon.com/788255

Court : Chennai

Decided On : Aug-29-1927

Reported in : (1927)53MLJ759

Appellant : In Re: Nokole Behara and ors.

Judgement :

ORDER

Anantakrishna Aiyar, J.

1. Two points have been argued in this case (1) that it is not shown that the place where the accused fished was within the Government village and (2) that fish could not be subject of theft.

2. On the first point there is the definite finding that the place of fishing is within the limits of Manikyahur (Government) village. The evidence given by the prosecution witnesses supports that finding which is one of fact. (2) As regards the 2nd point there is the finding that the fish were in ponds and that it is by baling the water out from the ponds that fish are caught in this case. They are confined in the ponds and could not escape from the same and go elsewhere. Such fish could be the subject of theft [Per Miller, J., in Manchu Paidigadu v. Kadimsetti Tammayya 22 IND.CAS. 429 : 1914 M.W.N. 168].

3. The petition is dismissed.

