

Queen-empress Vs. Jayarami Reddi

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Court : Chennai

Decided On : Nov-10-1897

Reported in : (1898)ILR21Mad360

Judge : Shbphard,;Subramania Ayyar, ;Davies and ;Boddam, JJ.

Appellant : Queen-empress

Respondent : Jayarami Reddi

Judgement :

1. We think there is no doubt that the revolver in the case is a fire-arm within the meaning of the Act. The question is not so much whether the particular weapon is serviceable as a fire-arm, but whether it has lost its specific character and has so ceased to be a fire-arm. In referring to the serviceable character of the arm we think the decision in *The Queen v. Siddappa* I.L.R. Mad. 60 was not correct and that the proper test was lost sight of. Whether in any particular case the instrument is a fire-arm or not, is a question of fact to be determined according to circumstances. We answer the question in the affirmative.

2. This case again coming on for final disposal after the expression of the opinion of the Full Bench, the Court (Collins, C.J., and Benson, J.) delivered the following judgment:

3. The ruling of the Full Bench renders it necessary to set aside the acquittal. We accordingly do this, and we restore the conviction and sentence passed by the

Joint Magistrate.

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