

In Re: Chinnu

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Court : Chennai

Decided On : Jul-29-1915

Reported in : 30Ind.Cas.442

Judge : Ayling and; Tyabji, JJ.

Appellant : In Re: Chinnu

Judgement :

1. The conviction in this case is by a Jury, and the only question is whether the accused has been prejudiced by any misdirection in the charge to the Jury.
2. Some portions of the latter have not been very happily worded; in particular the passage in which the learned Sessions Judge says. The law is that when a person is found in possession of stolen property very soon after the theft, he may be presumed to be the thief if there is no evidence to the contrary.' Of course, this should be unless he can account for his possession' and if the Judge meant (or the Jury were likely to understand him to mean) that they were to pay no attention to any explanation which the accused might put forward in the absence of evidence to support it, then we should have to interfere. But a perusal of other passages in the charge convinces us that this was not his meaning, and that the Jury could not have so understood the Judge reminded them that the accused had claimed the property as his own, and then, after mentioning the absence of defence evidence, went on to discuss the probability of the story.

3. We do not think the passage referred to, though somewhat carelessly worded, could have misled the Jury: and we see no reason to interfere. The sentence is not excessive.

4. The conviction and sentence are confirmed, and the appeal dismissed.

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