

In Re: Dorasami Aiyar

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SooperKanoon Citation : sooperkanoon.com/795842

Court : Chennai

Decided On : Apr-20-1915

Reported in : AIR1916Mad1103(1); 30Ind.Cas.464

Judge : Oldfield and; Seshagiri Aiyar, JJ.

Appellant : In Re: Dorasami Aiyar

Judgement :

ORDER

1. The only evidence as to the ownership of the property alleged to have been stolen is the 1st prosecution witness's statement as to what Ranganatha Tawkar, now deceased, said to him regarding it. 'We cannot bring this statement within the terms of Section 32, Indian Evidence Act; and following *Bela Rani v. Mahabir Singh* 14 Ind. Cas. 116 we do not think it is admissible under Section 11. In the absence of evidence as to the ownership of the property, the conviction of an offence punishable under Section 381, Indian Penal Code, cannot stand. It is set aside and the accused must be released, if in custody.