

**In Re: Lal Singh**

**In Re: Lal Singh**

**SooperKanoon Citation :** [sooperkanoon.com/803034](http://sooperkanoon.com/803034)

**Court :** Chennai

**Decided On :** Jan-30-1911

**Reported in :** 9Ind.Cas.288a

**Judge :** Abdur Rahim and ;Ayling, JJ.

**Appellant :** In Re: Lal Singh

**Judgement :**

1. The Jury found that the jewel belonged to the complainant and that it was stolen by the burglars on the night of 1st June last, and about 12 days afterwards it was found on the neck of the accused's sister who lived in the same house as the accused when the house was searched on suspicion. The Jury were satisfied that under the circum stances the jewel was traced to the possession of the accused. The learned Judge expresses himself as doubtful whether the verdict of the Jury is right as he thinks that the fact that the jewel was found in the house of the accused on the neck of his sister does not show that it was necessarily in the possession of the accused and relying upon *Empress v. Mathan* 6 B. 731, he has referred the case to us under Section 307, Criminal Procedure Code. That section authorises a reference against the verdict of a Jury only when such, verdict, in the opinion of the Judge, is clearly wrong. It seems to us that upon the facts of this case it is difficult to say that the Jury's conclusion is wrong. The learned Judge had quite rightly pointed out, to the Jury that they must find that possession was clearly traced to the accused before they could find him guilty. The Jury in spite of that direction brought in a verdict of guilty, and we are not prepared to hold that they

were wrong so as to justify us in interfering with the verdict.

2. We convict the prisoner of offences under Sections 457 and 330, Indian Penal Code, of which the Jury found him guilty and sentence him to 18 months' rigorous imprisonment. The sentence will take effect on the expiry of the sentence which, we understand, the prisoner is now undergoing for another offence.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**