

In Re: Pullabhotla Chinniah

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Court : Chennai

Decided On : Feb-01-1917

Reported in : 39Ind.Cas.309a

Judge : Sadasiva Aiyar, J.

Appellant : In Re: Pullabhotla Chinniah

Judgement :

ORDER

Sadasiva Aiyar, J.

1. I think that there are no sufficient reasons for not accepting the facts as found by the Magistrate.
2. The cattle shed which was broken open was used for custody of agricultural implements and I think that the conviction under Section 457 of the Indian Penal Code was, therefore, not illegal.
3. Section 562 of the Code of Criminal Procedure does not apply to a case of a person convicted of house-breaking. [The age of the accused is probably immaterial on the question whether the Court is entitled to act under Section 562. Vide Queen-Empress v. Tukaram 2 Bom L.R. 817.

4. I shall, therefore, set aside the direction for release on security passed by the Magistrate under Section 562 of the Code of Criminal Procedure and I shall sentence the accused to one week's simple imprisonment.

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