

**In Re: James Fletcher**

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**SooperKanoon Citation :** [sooperkanoon.com/805701](http://sooperkanoon.com/805701)

**Court :** Chennai

**Decided On :** Feb-02-1910

**Reported in :** 5Ind.Cas.973

**Judge :** Arnold White, C.J.

**Appellant :** In Re: James Fletcher

**Judgement :**

ORDER

Arnold White, C.J.

1. I do not think this conviction can be upheld. It is admitted that the certificate which was presented by somebody at the Booking office for endorsement--as to who presented it, I here is no evidence--was duly signed by Dr. Skinner. It is in evidence that the four parties named in the certificate were all entitled to travel at the reduced rate on a student's ticket. It is in evidence that the accused was entitled to travel at the reduced rate as a student and according to the evidence of the Station Master there is no rule prohibiting the transfer of student's ticket. The certificate which was in the first instance presented by somebody--not the accused--contains the names of students who had not applied for this certificate but there is no evidence that the accused knew this. What he did was to present the certificate after it had been endorsed 'tickets may be issued' and receive a pass. As I have said he was himself entitled to travel at the reduced rate, I cannot assume that he intended to use the pass for persons who were not entitled to

travel at a reduced rate. If the Railway Company had waited to see who was going to use the pass there might have been a case for a conviction. As it is, the Company have not been defrauded. On the presentation of the endorsed certificate by a person entitled to travel at the reduced rate, signed by the proper authority and containing the names of four persons who were eligible for concession tickets, the Railway Company issued a pass for four passenger tickets at the reduced rate and then arrested the accused.

2. The conviction and sentence must be set aside and the fine if paid must be refunded.

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