

In Re: Naddi Chengadu

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SooperKanoon Citation : sooperkanoon.com/806921

Court : Chennai

Decided On : Mar-12-1917

Reported in : AIR1918Mad644(1); (1917)ILR40Mad789; 39Ind.Cas.1006

Judge : William Ayling and ;Napier, J.

Appellant : In Re: Naddi Chengadu

Judgement :

ORDER

1. We agree with the District Magistrate that the conviction in the case is bad and must be set aside. A person against whom an order is passed under Section 565 of the Criminal Procedure Code is merely bound to notify his residence or change of residence after release. As long as he retains his residence in the same place, his temporary absence from home for a day or two does not require notification. Whether he retains his residence must always be a question of fact; but provided a man leaves his family and household effects in the house in which he was residing he would ordinarily be considered to retain his residence there.

2. In the present case all that is proved is that accused was absent from what was treated by the Police as his notified residence for a single night. There is nothing to indicate that the residence itself was changed.

3. We set aside the conviction and sentence and direct that the fine, if paid, be refunded.

