

In Re: Kanma Kondiah and ors.

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SooperKanoon Citation : sooperkanoon.com/809634

Court : Chennai

Decided On : Jan-26-1923

Reported in : AIR1923Mad608; 72Ind.Cas.616

Judge : Spencer, J.

Appellant : In Re: Kanma Kondiah and ors.

Judgement :

ORDER

Spencer, J.

1. The Sub-Divisional Magistrate's opinion that driving cattle by shouts and cries does not constitute 'rescuing' them under Section 24 of the Cattle Trespass Act is erroneous. Inducing an animal to move may even amount to using 'force' (see definition in Section 349, Indian Penal Code and illustration (h) to that section), so that, even if the Magistrate is right in saying that the word 'rescue' implies the use of force or violence, it does not follow that there was no force used in this case.

2. The reasons given for acquitting the accused are unsound, the acquittal is set aside, and the appeal must be re-heard and disposed of according to law.