

In Re: Chockalingam Pillay

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Court : Chennai

Decided On : Nov-30-1911

Reported in : 13Ind.Cas.819

Judge : Ralph Benson, ;Sundara Aiyar and ;Miller, JJ.

Appellant : In Re: Chockalingam Pillay

Judgement :

ORDER

Sundara Aiyar, J.

1. Both the learned Judges who heard the revision petition were of opinion that the water was in the possession of the Government. With that opinion I agree, and need, therefore, only consider the further question upon which their opinions differ.

2. Now, when once it is decided that the water was capable of being stolen, it seems to me impossible to resist the conclusion that it has been stolen in this case. The petitioner certainly intended to take it to petitioner certainly intended to take it to his own field, and he took steps which he must have considered were calculated to bring it there. He did not have it in his custody during the transit, but that, as Bensor, J., points out, is not necessary. If the petitioner's intention had been merely to let the water run to waste, possibly the case might have been different, though with regard to illustration (c) to Section 425, Indian Penal Code, it is to be observed that the illustration does not show that A too the ring from Z's

possession to throw it a way.

3. The petition is dismissed.

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