

Mohindar Singh and Another Vs. Emperor

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Court : Privy Council

Decided On : Apr-05-1932

Judge : Viscount Dunedin, Lords Tomlin, Thankerton, Sir George Lowndes & Sir Dinshah Mulla

Appeal No. : Privy Council Appeal No.-----

Appellant : Mohindar Singh and Another

Respondent : Emperor

Advocate for Pet/Ap. : Solicitors for Petitioners, Hy.S.L. Polak and Co., Solicitors for Respondents, The Solicitor, India Office.

Judgement :

Viscount Dunedin:

Their Lordships have frequently stated that they do not sit as a Court of criminal appeal. For them to interfere with a criminal sentence there must be something so irregular or so outrageous as to shock the very basis of justice. Such an instance was found in Dillet's case (1), which has always been held to be the leading authority on such matters. In the present case the only real point is as to the meaning and effect of a section of the Evidence Act. The petitioners contended that a wrong view had been taken of the matter, also that upon a proper reading of the section there was an insufficiency of evidence to warrant the conviction. Those are merely points for a Court of criminal appeal. Their Lordships will humbly advise

His Majesty that the petition should be dismissed.

Petition dismissed.

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