
(1887) 04 AHC CK 0008
In the Allahabad High Court

Queen-Empress

APPELLANT

Vs

Kirpal Singh and Others

RESPONDENT

Date of Decision : 25-04-1887

Acts Referred:

Citation : (1887) ILR (All) 523

Hon'ble Judges : John Edge, J; Brodhurst, J

Bench : Division Bench

Final Decision : Allowed

Judgement

John Edge, Kt., C.J.—In this case the three prisoners were arrested in the State of Gwalior on a charge of dacoity, and were transferred to these Provinces to be tried for an offence u/s 396 of the Indian Penal Code. At the trial they were acquitted of the offence u/s 396 of the Indian Penal Code, but were convicted on a charge u/s 412. There was no evidence that they had dishonestly or otherwise received or retained in British India any stolen property whatever. The evidence was that they were found in possession in Gwalior of property the subject of a dacoity in British India. There is no evidence that they were British subjects. Under these circumstances Mr. Gordon, who appears for the appellant Harbban, contends that no offence was proved to have been committed within the jurisdiction of the Court. In my judgment this contention is well founded, and, this being a question as to jurisdiction, I think we are bound to give the other appellants the benefit of the point raised for one of them. I am of opinion that these appeals should be allowed, the convictions quashed, and the prisoners discharged.

Brodhurst, J.

2. I concur.