

Muhammad Ata and ors. Vs. Emperor Through Musammat Nannhon

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Court : Allahabad

Decided On : Nov-05-1921

Reported in : AIR1921All158; 67Ind.Cas.498

Judge : Stuart, J.

Appellant : Muhammad Ata and ors.

Respondent : Emperor Through Musammat Nannhon

Judgement :

Stuart, J.

1. The charge against the applicants was that they had committed theft by cutting and taking away the crop sowed by Musammat Nannhon. The Trial Court found distinctly that the crop in question had been sown by Musammat Nannhon and not by the accused without any right. They were thus guilty of theft which may have been a technical theft, They were convicted accordingly. In appeal the point was raised that the crop in question stood upon fields which were in the cultivatory possession of the applicants themselves, The Magistrate who heard the appeal directed an enquiry upon that point. He had no right to direct an enquiry. If he liked he could have taken further evidence, There was not the slightest necessity to direct an enquiry as it was proved that the crop in question had been sown by the complainant. The Patwari and Janki Prasad prove this. It is not of the least consequence whether the complainant has or has not good title to the cultivation of the fields in question. It is sufficient if she sowed the crop. Now there is good evidence that she sowed the crop and that the applicants cut the crop, I see no reason to disbelieve this evidence. The convictions are, therefore, good, The sentences are not excessive. I dismiss this application.