

(1919) 02 CAL CK 0032

Calcutta High Court

Case No: None

Bai Das

APPELLANT

Vs

Ali Bux Khan

RESPONDENT

Date of Decision: Feb. 7, 1919

Citation: 59 Ind. Cas. 554

Hon'ble Judges: Shamsul Huda, J; Richardson, J

Bench: Division Bench

Judgement

1. The petitioner in this case was found in possession of a chuddar which we understand was an old one. He could not indicate the exact person from whom he had purchased it, but examined two witnesses to show that he had purchased it as an old cloth from a pilgrim at a dharmasala. Whether this account is correct or not need not be considered, for, in our opinion, the possession of an old chudder is not enough in itself to arouse suspicion. The conviction is u/s 54A of the Calcutta Police Act; and to justify a conviction under that section there must be reason to believe that the article has been stolen or fraudulently obtained. We are not satisfied that there was any reasonable ground for suspicion in this case.

2. We accordingly make the Rule absolute, acquit the petitioner and set aside the conviction and sentence. The petitioner will be discharged from his bail-bond.