

(1872) 09 CAL CK 0011

Calcutta High Court

Case No: None

The Queen

APPELLANT

Vs

Tarinicharan Dey and
Others

RESPONDENT

Date of Decision: Sept. 21, 1872

Judgement

@JUDGMENTTAG-ORDER

1. The prisoner, Tarinicharan, was charged with forging for the purpose of cheating and using as genuine a forged railway receipt or bill of lading, for the purpose of obtaining from the East Indian Railway Company certain goods which had been entrusted to the Company to be carried from Delhi to Calcutta. The Standing Counsel for the prosecution sought to prove the delivery of the goods to the Railway Company by putting in a letter from the consignor at Delhi to his partner in Calcutta, advising the despatch of the goods. He submitted that the letter was s. "document used in commerce, written or signed" by a person "whose attendance could not be procured without an amount of delay and expense which, under the circumstances of the case," would be unreasonable, and therefore that it was relevant under s. 32, cl. 2 of the Indian Evidence Act (I of 1872). The Court refused to receive the evidence, and intimated a doubt whether such a letter would, under any circumstances, be receivable, since it was beyond the instances specified in the section.