
(1880) 09 CAL CK 0011

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Sunker Gope

RESPONDENT

Date of Decision: Sept. 17, 1880

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 66

Citation: (1881) ILR (Cal) 307

Hon'ble Judges: Richard Garth, C.J; Maclean, J

Bench: Division Bench

Judgement

Richard Garth, C.J.

We are of opinion that the conviction of Shunker Gope, for an offence u/s 411 of the Penal Code, is legal, and that we should not interfere. Shunker Gope confessed to having stolen cattle in the kingdom of Nepal, and he was found in possession of them in British territory. Section 66 of the Criminal Procedure Code, illustration (b), lays down that "a charge of receiving or retaining stolen goods may be inquired into and tried, either in the district in which the goods were stolen or in any district in which any of them were at any time dishonestly received or retained." Now the theft having occurred beyond British territory, the prisoner could not be tried for that offence in our Courts, see Reg. v. Apivigadu (I. L. R. Mad. 171), but the present case seems to be very similar to one reported in the Indian Law Reports, Reg v. Lakkya Govind (I. L. R. 1 Bom. 50); and therefore we think that the conviction may be sustained.

2. It is unnecessary for us to say anything on the question of extradition; that matter will be dealt with by the local authorities under the orders of Government.