

(1924) 09 BOM CK 0018**Bombay High Court****Case No:** None

Moti Ram Hari

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision: Sept. 15, 1924**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 395

Citation: AIR 1925 Bom 195 : 89 Ind. Cas. 527**Hon'ble Judges:** Marten, J; Fawcett, J**Bench:** Division Bench**Judgement**

1. * * * As to (1), objection was taken to Ex. 360, which is a certified copy of the judgment of the Sessions Judge, dated December 16, 1897, under which accused No.1, Motiram was convicted of dacoity u/s 395 of the Indian Penal Code and sentenced to three years rigorous imprisonment. It is clear, however, that this evidence was admissible under the rulings of this Court in Emperor v. Tukaram Malhari 15 Ind. Cas. 811 : 14 Bom. L.R. 373 : 13. Cr. L.J. 539. and of the Calcutta High Court in Bonai v. Emperor 9 Ind. Cas. 555 : 38 C. 408 : 15 C.W.N. 461 : 12 Cr. L.J. 97; and we see no reason to take a different view. But, as regards the weight to be attached to this piece of evidence, I think that the conviction was so long ago that it is useless except for showing that accused No. 1 is a person of criminal tendencies to theft who might be a member of the alleged gang. It certainly does not go to show that he had any habit of committing thefts in -the period under consideration, for he might have reformed since he was released from Jail.