

It is not necessary that the taking should be permanent or with an intention to appropriate the thing taken<sup>9</sup>. [*vide* ill. (1)]. There may be theft without an intention to deprive the owner of the property permanently. Where the accused took out an Indian Air Force plane for an unauthorised flight, even temporarily, it was held that he was guilty of theft.<sup>10</sup> It would satisfy the definition of theft if the accused takes away any movable property out of the possession of another person though he intended to return it later on. The accused, who was working in a Government office, removed a file to his house, made it available to an outsider and then returned it to the office after two days. It was held by the Supreme Court that the accused was guilty of theft.<sup>11</sup>

### **[s 379.2] *Bona fide* dispute.—**

Where property is removed in the assertion of a contested claim of right, however ill-founded that claim may be, the removal thereof does not constitute theft.<sup>12</sup> Where the question in dispute between two parties was whether the sale of a *mahal* (village) carried within its ambit the sale of certain trees and the servant of one of the parties cut and removed the trees under his master's orders under the *bona fide* belief that they belonged to his master, it was held that the servant was not guilty of theft.<sup>13</sup> The dispute as to ownership must be *bona fide*. A mere colourable pretence to obtain or keep possession of property does not avail as a defence.<sup>14</sup> It is not theft if a person, acting under a mistaken notion of law, and believing that certain property is his, and that he has the right to take the same, until payment of the balance of some money due to him from the vendor, removes such property from the possession of the vendee.<sup>15</sup> Where a *bona fide* claim of right exists, it can be a good defence to a prosecution for theft. Thus where the question of possession was in a fluid state and the accused *bona fide* believed that the crop was his as he had cultivated the land, no offence either of criminal trespass or theft could be made out against him. Such a matter is better decided in a Civil Court.<sup>16</sup> However, it was held in a case of dacoity that the question of *bona fide* claim of right arises only where the accused show to the Court's satisfaction that their belief is reasonable and is based on some documents and title, however weak it may be.<sup>17</sup> An act does not amount to theft under such circumstances unless there be not only no legal right but no appearance or colour of a legal right.<sup>18</sup>

### **[s 379.3] Mistake.—**

When a person takes another man's property believing under a mistake of fact and in ignorance of law, that he has a right to take it, he is not guilty of theft because there is no dishonest intention, even though he may cause wrongful loss.<sup>19</sup>

### **[s 379.4] Taking back property lent on hire.—**

There was a hire-purchase agreement in respect of a vehicle. The custody of the vehicle was handed over to the hirer. The financier was to continue as the owner till the last instalment. The financier took back the vehicle for default in payments in accordance with the agreement. It was held that this did not amount to theft by the owner of his vehicle as the vital element of dishonest intention was lacking.<sup>20</sup>

### **[s 379.5] Hire Purchase.—**

When hirer himself committed default by not paying the instalments and under the agreement, the appellants have repossessed the vehicle, the respondent-hirer cannot have any grievance as the vital element of 'dishonest intention' is lacking. The element of 'dishonest intention' which is an essential element to constitute the offence of theft cannot be attributed to a person exercising his right under an agreement entered into between the parties as he may not have an intention of causing wrongful gain or to cause wrongful loss to the hirer.<sup>21</sup> Because of the fact that status of complainant relating to the vehicle in question having purchased under Hire Purchase Agreement till saturation of the loan amount remains merely a trustee or bailee on behalf of financier and further in the aforesaid background the financier happens to be the real owner of the vehicle till saturation of the loan amount, no prosecution would lie on that score.<sup>22</sup>

The hire-purchase agreement in law is an executory contract of sale and confers no right in rem on hire until the conditions for transfer of the property to him have been fulfilled.<sup>23</sup>

**2. 'Movable property'.—**Explanations 1 and 2 state that things attached to the land may become movable property by severance from the earth, and that the act of severance may of itself be theft [*vide* ill (a)]. Thus, the thief who severs and carries away is put in exactly the same position as if he carried away what had previously been severed. A sale of trees belonging to others and not cut down at the time of sale does not constitute theft.<sup>24</sup> But removal of a man's trees that had been blown down by a storm amounts to theft.<sup>25</sup>

It is not necessary that the thing stolen must have some appreciable value.

### **[s 379.6] CASES.— *Earth and stones.*—**

Cart-loads of earth<sup>26</sup> or stones<sup>27</sup> quarried and carried away from the land of another are subject of theft.

#### **[s 379.6.1] *Timber.*—**

Extraction of teak timber without licence amounts to theft of Government timber.<sup>28</sup> In *Bhaiyalal v State of MP*,<sup>29</sup> it was held that the act of cutting of trees standing on Government land amounts to theft under section 378.

#### **[s 379.6.2] *Salt.*—**

Salt spontaneously formed on the surface of a swamp appropriated by Government,<sup>30</sup> or in a creek under the supervision of Government,<sup>31</sup> is subject of theft; but not that which is formed on a swamp not guarded by Government.<sup>32</sup>

#### **[s 379.6.3] *Human body.*—**

Human body whether living or dead (except bodies, or portions thereof, or mummies, preserved in museums or scientific institutions) is not movable property.<sup>33</sup>

#### **[s 379.6.4] *Idol.*—**

Idol is movable property and can be the subject matter of theft. It's being a juridical person for certain purposes is no bar to its also being a movable property.<sup>34.</sup>

#### **[s 379.6.5] *Gas.*—**

A, having contracted with a gas company to consume gas and pay according to meter, in order to avoid paying for the full quantity of gas consumed, introduced into the entrance pipe another pipe for the purpose of conveying the gas to the exit pipe of the meter and so to the burners, for consumption without passing through the meter itself. The entrance pipe was the property of A, but he had not by his contract any interest in the gas until it passed through the meter. It was held that A was guilty of larceny.<sup>35.</sup>

#### **[s 379.6.6] *Electricity.*—**

Theft of electricity is governed by [section 135 of the Electricity Act, 2003](#). Though the electricity is not movable property within the meaning of [section 378, IPC, 1860](#), and as such its dishonest abstraction cannot be regarded as theft under section 378, yet by a legal fiction created by section 39 of the Indian [Electricity Act, 1910](#) (now repealed), such an act should be deemed to be an offence of theft and punished under [section 379, IPC, 1860](#), and [section 39 of the Electricity Act, 1910](#). In the case of *Mahalakshmi Spinners Ltd v State of Haryana*,<sup>36.</sup> it was held that when there is a specific/ special law covering the question of theft of electricity, i.e. [section 135 of the Electricity Act, \(Act 9 of 1910\)](#), the general law contained in [section 379, IPC, 1860](#) will not be applicable. Any attempt by the notice to add offence under [section 379 IPC, 1860](#) will be a crude device by the prosecution to overcome the likely objection from the accused about the filing of the complaint instead of registration of FIR. Law is well settled that special law will prevail over the general law.

#### **[s 379.6.7] *Water.*—**

Water supplied by a water company to a consumer, and standing in his pipes, may be the subject of larceny.<sup>37.</sup> Water when conveyed in pipes and so reduced into possession can be the subject of theft;<sup>38.</sup> but not water running freely from a river through an open channel made and maintained by a person.<sup>39.</sup>

#### **[s 379.6.8] *Animals.—Bull.*—**

A bull dedicated to an idol and allowed to roam at large is not *res nullius* (thing belonging to no one) but remains the property of the trustees of the temple, and can become the subject of theft;<sup>40.</sup> but not a bull set at large in accordance with a religious usage.<sup>41.</sup>

#### **[s 379.6.9] *Peacock.*—**

A peacock tamed but not kept in confinement is the subject of theft.<sup>42</sup> So is the case with pigeons kept in a dovecote and partridges.

#### **[s 379.6.10] *Fish.*—**

Fish in an ordinary open irrigation tank,<sup>43</sup> or in a tank not enclosed on all sides but dependent on the overflow of a neighbouring channel,<sup>44</sup> are *ferae naturae* and not subject to theft. If the water in an irrigation tank has gone so low as not to permit the fish leaving the tank then they may be subject of theft.<sup>45</sup> Similarly, fish in an enclosed tank are restrained of their natural liberty and liable to be taken at any time according to the pleasure of the owner, and are, therefore, subject of theft.<sup>46</sup> Thus fish in an enclosed Government tank is the property in possession of Government and it is theft to catch fish therein without a licence apart from being an offence under the Fisheries Act, 1897.<sup>47</sup> Fish are said to be in the possession of a person who has possession of any expanse of water such as a tank where they live but from where they cannot escape. They are also regarded as being in the possession of a person who owns an exclusive right to catch them in a particular spot known as a fishery but only within that spot.<sup>48</sup> Where plots belonging to different owners in a low-lying area, demarcated by ridges of small height, are sub-merged during certain months in the year by one sheet of water and fish escape from one plot to another, it cannot be said in such a case that fish is the subject matter of theft.<sup>49</sup>

#### **[s 379.6.11] *Crop.*—**

Removal of paddy crop has been held to be theft. Persons who helped removal under directions as labourers were not guilty. The fact that the land was in the possession of the complainant and it was he who had grown the crop was held to be sufficient to negative the accused's suggestion that he removed the crop under a *bona fide* belief that he was entitled to it.<sup>50</sup>

#### **[s 379.6.12] *Standing Timber.*—**

Standing timber being embedded in the earth is immovable property but the moment it is severed from the earth it becomes capable of being the object of theft.<sup>51</sup>

#### **[s 379.6.13] *Ballot Paper.*—**

Accused was allegedly found in possession of a bundle of 84 stolen postal ballot papers at gate of printing press. High Court rejected the plea of petitioner that since he was found in possession of ballot papers, he ought not to have been tried for an offence under [section 380 IPC, 1860](#), rather he could have been tried under section 127(p)(iv) of Assam Panchayat Act, 1994.<sup>52</sup>

#### **[s 379.6.14] *Motor vehicles.*—**

The allegation was that the accused changed engine, colour, etc. of stolen vehicles and got them registered in new owners' names. But no particular instance was shown. The incident was more than ten years old. There was no explanation for delay in presenting charge-sheet. Hence, acquittal was held proper.<sup>53.</sup>

**3. 'Out of the possession of any person'.—**The property must be in the possession of the prosecutor.<sup>54.</sup> Thus, there can be no theft of wild animals, birds, or fish, while at large, but there can be a theft of tamed animals. It is sufficient if property is removed against his wish from the custody of a person who has an apparent title, or even colour of right to such property.<sup>55.</sup> Transfer of possession of movable property without consent of the person in possession need not, however, be permanent or for a considerable length of time nor is it necessary that the property should be found in possession of the accused. Even a transient transfer of possession is sufficient to meet the requirement of this section.<sup>56.</sup>

The authors of the Code remark: "We believe it to be impossible to mark with precision, by any words, the circumstances which constitute possession. It is easy to put cases about which no doubt whatever exists, and about which the language of lawyers and of the multitude would be the same. It will hardly be doubted, for example, that a gentleman's watch lying on a table in his room is in his possession, though it is not in his hand, and though he may not know whether it is on his writing-table or on his dressing-table. As little will it be doubted that a watch which a gentleman lost a year ago on a journey, and which he has never heard of since, is not in his possession. It will not be doubted that when a person gives a dinner, his silver forks, while in the hands of his guests, are still in his possession; and it will be as little doubted that his silver forks are not in his possession when he has deposited them with a pawnbroker as a pledge. But between these extreme cases lie many cases in which it is difficult to pronounce, with confidence, either that property is or that it is not in a person's possession."<sup>57.</sup>

A movable thing is said to be in the possession of a person when he is so situated with respect to it that he has the power to deal with it as owner to the exclusion of all other persons, and when the circumstances are such that he may be presumed to intend to do so in case of need.<sup>58.</sup>

### **[s 379.7] 'Any person'.—**

The person from whose possession the property is taken may or may not be the owner of it and may have his possession either rightful or wrongful. Mere physical control of the person over the thing is quite enough [*vide* ill. (j) and (k)].

### **[s 379.8] Attachment.—**

Theft can be committed by the owner of property under attachment by removing it.<sup>59.</sup> The removal of crops, standing on land attached and taken possession of by the Court under [section 145, Code of Criminal Procedure, 1973](#) (Cr PC, 1973), amounts to theft.<sup>60.</sup>

Where a judgment-debtor, whose standing crops were attached, harvested them while the attachment was in force, it was held by the Madras High Court that he could not be convicted of theft but of offences under sections 424 and 403.<sup>61.</sup>

### **[s 379.9] Joint possession.—**

Where there are several joint owners in joint possession, and any one of them, dishonestly takes exclusive possession, he would be guilty of theft.<sup>62</sup> A co-owner of movable property with another, even if his share is defined, can be guilty of theft, if he is found to remove the joint property without even an implied consent of the co-owner, with a view to cause wrongful loss to the co-owner and consequently wrongful gain to himself or anybody else.<sup>63</sup> Similarly, if a coparcener dishonestly takes the separate property of another coparcener, it amounts to theft.<sup>64</sup>

### **[s 379.10] Seizure of things delivered under hire-purchase.—**

In *Shriram Transport Finance Co Ltd v R Khaishiulla Khan*,<sup>65</sup> it was held that in case of a hire-purchase transaction, when the financier seizes the vehicle for default in payment of instalments by the hirer, the financier cannot be charged for an offence of theft under section 378 because of absence of *mens rea*. The right of the owner to get back the vehicle is not affected by the fiction of 'deemed owner' under the [Motor Vehicles Act, 1988](#). The act of taking back the vehicle did not amount to theft.<sup>66</sup>

### **[s 379.11] Animals *ferae naturae*.—**

Animals found in reserve forests are *ferae naturae* and incapable of possession. Till they are tamed and domesticated and brought to the custody of a person, whether it is Government or any other individual, such animals cannot be said to be in the possession of the Government and persons who remove them cannot be convicted of theft.<sup>67</sup>

### **[s 379.12] CASES.—**

Where the complainant had an apparent title as tenant of the land together with long possession, and he had on the strength of this raised the crops which the accused removed, it was held that the accused was guilty of theft because he was not justified in taking the law into his own hands, even if he was entitled to hold the land, as he was not in actual possession of it.<sup>68</sup>

Where a person takes a lorry on hire-purchase system from a company which under the agreement had reserved the right of seizing the lorry in the event of default in payment of instalments, and default is made, then the company is not entitled to retake possession of the lorry by force or by removing it from the hands of the purchaser's servants who had no authority, express or implied, to give any consent. If the company or its agents do so they are guilty of an offence under this section. The question whether ownership had or had not passed to the purchaser is wholly immaterial as this section deals with possession and not ownership. The legal possession of the lorry was vested in the purchaser and the company was not entitled to recover possession of the lorry, even though default in payment of any instalments had taken place, without the consent of the purchaser. Possession of the driver and the cleaner was the possession of their master and they were not competent to give consent on behalf of the master.<sup>69</sup>

**4. 'Consent'.—**The thing stolen must have been taken without the consent of the person in possession of it. Explanation 5 says that consent may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied [*vide* ills. (m) and (n)]. But consent given under improper circumstances will be of no avail [*vide* ill. (c)]. Consent obtained by a false representation which leads to a misconception of facts will not be a valid consent.<sup>70.</sup>

#### **[s 379.13] CASES.—**

A sought the aid of B with the intention of committing a theft of the property of B's master. B, with the knowledge and consent of his master, and for the purpose of procuring A's punishment, aided A in carrying out his object. It was held that as the property removed was so taken with the knowledge of the owner, theft was not committed, but A was guilty of abetment of theft.<sup>71.</sup> Really speaking, the owner did not consent to the dishonest taking away of the property. He merely assisted the thief in carrying out the latter's dishonest intention. Cf. ills. (m), (n) and (o). The thief had no knowledge of the owner's act and it could not, therefore, be construed as a consent.

#### **[s 379.14] Unauthorised consent.—**

Possession of wood by a Forest Inspector, who is a servant of Government, is possession of the Government itself and a dishonest removal of it, without payment of the necessary fees, from his possession, albeit with his actual consent, was held to constitute theft as consent was unauthorised and fraudulent.<sup>72.</sup>

**5. 'Moves that property'.—**The offence of theft is completed when there is a dishonest moving of the property, even though the property is not detached from that to which it is secured. The least removal of the thing taken from the place where it was before is a sufficient asportation though it is not quite carried off. Upon this principle the guest, who having taken off the sheets from his bed with an intent to steal them carried them into the hall, and was apprehended before he could get out of the house, was adjudged guilty of theft. So also was he, who having taken a horse in a close with intent to steal it, was apprehended before he could get it out of the close.<sup>73.</sup>

Explanations 3 and 4 state how 'moving' could be effected in certain cases. Illustrations (b) and (c) elucidate the meaning of Explanation 4.

In a prosecution under sections 379/411 in respect of timber seized in a raid the link between the seized timber and the accused was not established nor was any evidence brought to show that the seized timber was transported by the accused under the guise of permits issued to him by the forest department. Acquittal of the accused of the offences under the aforesaid sections was not interfered with.<sup>74.</sup>

**6. Explanations 1 and 2.—**The moving by the same act, which effects the severance, may constitute theft.<sup>75.</sup> Carrying away of trees after felling them is theft<sup>76.</sup> but mere sale is not.<sup>77.</sup> In the case of growing grass, a moving by the same act, which affects its severance from the earth, may amount to theft.<sup>78.</sup>

Where certain land, on which there was a standing crop of paddy, was entrusted to the accused to take care of and watch till the paddy was ripe when they were to give notice

to the factory people who would reap it, it was held that by cutting the crops themselves and disposing of the same, the accused had committed theft.<sup>79.</sup>

#### **[s 379.15] Husband and wife.—Hindu law.—**

There is no presumption of law that husband and wife constitute one person in India for the purpose of criminal law. If the wife removes her husband's property from his house with dishonest intention, she is guilty of theft.<sup>80.</sup> A Hindu woman who removes from the possession of her husband and without his consent, her *stridhan* (woman's property) cannot be convicted of theft because this species of property belongs to her absolutely.<sup>81.</sup> So also, a husband can be convicted if he steals his wife's *stridhan*.

Where certain articles of movable property were in the joint possession of husband and wife, it was held that the husband who was alleged to have taken away the articles could not be held guilty of theft.<sup>82.</sup>

#### **[s 379.16] Mohammedan law.—**

It is laid down that a Mohammedan wife may be convicted of stealing from her husband, because under this system of law, there does not exist the same union of interest between husband and wife as exists between an English husband and wife.<sup>83.</sup> The same reasoning would apply in the case of a Mohammedan husband.

#### **[s 379.16.1] *Necessitas inducit privilegium quo ad jura privata*.—**

Where a man in extreme want of food or clothing steals either in order to relieve his present necessities, the law allows no such excuse to be considered.

#### **[s 379.17] Single or several thefts.—**

Removal by one single act of several articles constitutes one offence of theft only although the articles belong to different persons.<sup>84.</sup>

#### **[s 379.18] Restoration of stolen property.—**

The property stolen may be returned to the person from whom it was stolen under [section 452, Cr PC, 1973](#), and an innocent purchaser may be compensated for the price paid under section 453, if any money is found in the possession of the thief. But the property restored should be in existence at the time of theft. R's cow having been stolen, the thief after a lapse of a year and a half was convicted. Six months after the theft V innocently purchased the cow, which while in his possession, had a calf. The Magistrate ordered that the cow and the calf should be delivered up by V to R. It was held that, as the calf was not even in embryo at the date of the theft, the order to deliver up the calf was illegal.<sup>85.</sup>

In *Karuppanan v Guruswami*,<sup>86.</sup> it was held by the High Court of Madras that where the person accused of theft is acquitted and claims as his own the property seized from him, it should be restored to him in the absence of special reasons to the contrary. The



Court observed that since it was clear that the learned Sub-Magistrate has over-looked the fundamental principle, that when property is seized from a person who is afterwards acquitted of stealing it, the property should ordinarily be returned to that person. The Magistrate cannot be said to have exercised his discretion in a judicial manner.

#### **[s 379.19] Possession, presumption of theft.—**

Where electric wires stolen from an electric sub-station were found in the possession of the accused and there was evidence to show that the material of that kind was not available in the market, it was held that a presumption arose that the material was a stolen property and that the accused committed the theft. Considering that the accused was the sole breadwinner of the family and he had no past criminal record, one year's RI was considered to be good enough punishment to meet the ends of justice.<sup>87.</sup>

#### **[s 379.20] Theft and extortion.—**

The offence of extortion is carried out by overpowering the will of the victim, in committing a theft, on the other hand, the offender's intention always is to take away without consent.<sup>88.</sup>

#### **[s 379.21] Charge proved.—**

The accused administered intoxicating substance to complainant and took away valuable goods and cash. The complainant identified these articles in the Test Identification Proceedings conducted during investigation and they were also identified by him in the Court hence, conviction was held to be proper.<sup>89.</sup>

#### **[s 379.22] Double jeopardy.—**

In a case, FIR was registered under [section 379 of IPC, 1860](#) and [section 21\(1\) of Mines and Minerals \(Development and Regulation\) Act, 1957](#) for the allegation was theft of sand belonging to Government. The plea of Double Jeopardy was rejected holding that both offences are not same in terms of [Article 20\(2\) of the Constitution](#). A cursory comparison of these two provisions with [section 378 of IPC, 1860](#) would go to show that the ingredients are totally different. The contravention of the terms and conditions of mining lease, etc. constitutes an offence punishable under section 21 of the Mines and Minerals Act, 1957, whereas dishonestly taking any movable property out of the possession of a person without his consent constitutes theft. Thus, it is undoubtedly clear that the ingredients of an offence of theft as defined in [s 378 of IPC, 1860](#) are totally different from the ingredients of an offence punishable under section 21(1) r/w.s. 4 (1) and 4 (1 A) of the Mines and Minerals Act, 1957.<sup>90.</sup>

6. *Madra*, (1946) Nag 326.
7. *Madaree Chowkeedar*, (1865) 3 WR (Cr) 2.
8. Bailey, (1872) LR 1 CCR 347. For a general study as to the notion of theft and obtaining by false pretenses, see M Adekunle Owaade, *THE DILEMMA OF THE CRIMINAL LAW IN PROPERTY OFFENCES—A comparative Analysis of the basic Issues in stealing and obtaining by false pretenses*, (1989) 31 JILI 226.
9. *Sri Churn Chungo*, (1895) 22 Cal 1017 (FB); *Nagappa*, (1890) 15 Bom 344.
10. *KN Mehra*, AIR 1957 SC 369 [LNIND 1957 SC 14] : 1957 Cr LJ 550 .
11. *Pyare Lal*, AIR 1963 SC 1094 [LNIND 1962 SC 341] : (1963) 2 Cr LJ 178 .
12. *Algarasawmi Tevan*, (1904) 28 Mad 304.
13. *Ramzani*, (1943) 19 Luck 399 .
14. *Arfan Ali*, (1916) 44 Cal 66 ; *Harnam Singh v State*, (1923) 5 Lah 56.
15. *Hamid Ali Bepari*, (1925) 52 C I 1015.
16. *Ram Ekbal v State*, 1972 Cr LJ 584 : AIR 1972 SC 949 .
17. *G Raminadin*, 1980 Cr LJ 1477 : AIR 1980 SC 2127 ; See also *Dandi Deka*, 1982 Cr LJ NOC 188 (Gau).
18. *Apparao v Lakshminarayana*, AIR 1962 SC 586 [LNIND 1961 SC 324] : (1962) 1 Cr LJ 518 ; *Chandi Kumar v Abanidhar Roy*, AIR 1965 SC 585 [LNIND 1963 SC 231] : (1965) 1 Cr LJ 518 .
19. *Nagappa*, (1890) 15 Bom 344.
20. *Charanjit Singh Chadha v Sudhir Mehra*, AIR 2001 SC 3721 [LNIND 2001 SC 2906] .
21. *Charanjit Singh Chadha v Sudhir Mehra*, AIR 2001 SC 3721 [LNIND 2001 SC 2906] : (2001) 7 SCC 417 [LNIND 2001 SC 2906] .
22. *Naresh Singh v State of Bihar*, (PATNA HC) : 2017 (2) PLJR 514 .
23. *Charanjit Singh Chadha v Sudhir Mehra*, AIR 2001 SC 3721 [LNIND 2001 SC 2906] .
24. *Balos*, (1882) 1 Weir 419.
25. *Dunyapat*, (1919) 42 All 53 .
26. *Shivramm*, (1891) 15 Bom 702.
27. *Suri Venkatappayya Sastri v Madula Venkanna*, (1904) 27 Mad 531 (FB).
28. *Yeok Kuk*, (1928) 6 Ran 386.
29. *Bhaiyalal v State of MP*, 1993 Cr LJ 29 (MP).
30. *Tamma Ghantaya*, (1881) 4 Mad 228.
31. *Mansang Bhavsang*, (1873) 10 BHC 74.
32. *Government Pleader*, (1882) 1 Weir 412.
33. *Ramadhin*, (1902) 25 All 129 .
34. *Ahmed v State*, AIR 1967 Raj 190 [LNIND 1966 RAJ 32] .
35. *White v White*, (1853) 6 Cox 213. *R v Hughes*, (2000) 2 Cr App R (S) 399 [CA (Crim Div)], gas meter by passed, three months' imprisonment.
36. *Mahalakshmi Spinners Ltd v State of Haryana*, 2007 Cr LJ 429 (P&H).
37. *Ferens v O'Brien*, (1883) 11 QBD 21 .
38. *Mahadeo Prasad*, (1923) 45 All 680 .
39. *Sheikh Arif*, (1908) 35 Cal 437 .
40. *Nalla*, (1887) 11 Mad 145.
41. *Romesh Chunder Sannyal v Hiru Mondal*, (1890) 17 Cal 852 ; *Bandhu*, (1885) 8 All 51 ; *Nihal*, (1887) 9 All 348 .
42. *Nanhe Khan*, (1897) 17 AWN 41.
43. *Subba Reddi v Munshoor Ali Saheb*, (1900) 24 Mad 81.
44. *Maya Ram Surma v Nichala Katani*, (1888) 15 Cal 402 .