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## COURT OF APPEAL (ENGLAND)

***R v LEWIS***

Lawton LJ, Talbot and Pain JJ

12 December 1975

(1976) 62 Cr App R 206; New Law Journal vol 126 No 5733 15 December 1976

**CRIMINAL LAW – THEFT – PASSING A CHEQUE WHEN INSUFFICIENT FUNDS IN ACCOUNT TO MEET IT – DISHONESTY – DEFENDANT FOUND GUILTY – WHETHER COURT IN ERROR: *THEFT ACT 1968* (UK), ss15(1), 16(1).**

L. was charged with obtaining property by deception and obtaining a pecuniary advantage by deception contrary to the *Theft Act 1968* ss15(1) and 16(1). In summing up to the jury the trial Judge said that a person who passed a cheque on an account in which there were no immediate funds to meet it, did not necessarily act dishonestly if he genuinely believed on reasonable grounds that when the cheque was presented for payment, there would be funds to meet it. L was convicted and appealed.

**HELD: Appeal dismissed. The trial Judge had made only one slip. For the purposes of the Act of 1968 the concept of dishonesty was subjective, and had nothing to do with reasonable belief. No reasonable jury, however, properly directed could have come to any conclusion other than the one which they had reached.**

*R v Feely* (1973) 1 All ER 341;

*R v Roy* (1974) October 24, unreported, applied.