

PRIVY COUNCIL

Mohindar Singh

Vs.

Emperor

(Viscount Dunedin, Lords Tomlin, Thankerton, Sir J. George Lowndes and Sir Dinshah Mulla JJ.)

05.04.1932

JUDGMENT

VISCOUNT DUNEDIN J.

1. Their Lordships have frequently stated that they do not sit as a Court of criminal appeal. For them to interfere with a criminal sentence there must be something so irregular or so outrageous as to shock the very basis of justice. Such an instance was found in Dillet's case which has always been held to be the leading authority on such matters. In the present case the only real point is as to the meaning and effect of a section of the Evidence Act. The petitioners contended that a wrong view had been taken of the matter, also that upon a proper reading of the section there was an insufficiency of evidence to warrant the conviction. Those are merely points for a Court of criminal appeal. Their Lordships will humbly advise His Majesty that the petition should be dismissed.

Petition dismissed.

Cases Referred.

[1887] 12 AC 459=56 LT 615=36 WR 81=16 Cox CC 241,