

1930

MRS. NORAH  
MARGARET  
ROBINSON  
v.  
IN THE  
MATTER OF  
THE LATE  
HENRY  
HAROLD  
ROBINSON.

which the learned CHIEF JUDGE has given to the question under reference is the only answer to the question.

RAZA, J. :—I have nothing to add to the judgments that have already been delivered and in which I concur. In my opinion also the money standing to the credit of the late Henry Harold Robinson in the provident fund is his property within the meaning of Article 11, schedule I of the Court Fees Act and is not exempt from the court fees payable under that article.

BY THE COURT :—The answer to the reference is therefore that the amount in question is liable to pay duty under the provisions of Article 11, schedule I of the Court Fees Act.

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### REVISIONAL CRIMINAL.

*Before Sir Louis Stuart, Knight, Chief Judge and  
Mr. Justice Muhammad Raza.*

KING-EMPEROR (APPELLANT) v. CHIRAUNJI LAL.  
(ACCUSED-RESPONDENT.)\*

1930  
January,  
31.

*Jury trial—Jury's view not a bad view or an impossible view—  
Court, whether to reverse jury's verdict.*

When a case is undoubtedly not free from difficulty and a great deal could be said on both sides and the jury's view is not a bad view or an impossible view the court should not reverse their verdict.

The Assistant Government Advocate (Mr. H. K. Ghose), for the Crown.

Mr. J. Jackson, for the accused.

STUART, C. J. and RAZA, J. :—This is a reference from the learned Third Additional Sessions Judge of Lucknow against a jury verdict acquitting a certain Chiraunji Lal. The case was tried by the learned Judge and a jury who unanimously acquitted Chiraunji Lal. We have been through the record. The learned Judge tried the case very carefully and very fairly. The charge

\*Jury Reference No. 1 of 1930.

to the jury was a good charge. The jury unanimously acquitted Chiraunji Lal. This is a case in which a great deal could be said on both sides. The Sessions Judge's view is a good view and a possible view but we cannot go so far as to say that the Jury's view was a bad view or an impossible view. The case was undoubtedly not free from difficulty and the evidence of the complainant Chhotey Lal was open to considerable criticism. The jury took the view that the evidence was unreliable. We do not say that they were right but we certainly cannot say that they were wrong and in these circumstances we are unable to reverse their verdict. The result is that we acquit Chiraunji Lal and direct him to be set at liberty.

1930

KING-  
EMPEROR  
v.  
CHIRAUNJI  
LAL.

Stuart,  
C. J. and  
Raza, J.

*Reference accepted.*

## APPELLATE CIVIL.

*Before Mr. Justice A. G. P. Pullan.*

GOPAL SAHU (DEFENDANT-APPELLANT) v. NAND KUMAR SINGH (PLAINTIFF-RESPONDENT.)\*

1930

January, 21.

*Occupancy holding—Sale of occupancy holding, if valid—Construction of deeds—Deed purporting to be perpetual lease of occupancy holding—Lessor transferring all his rights without any right of re-entry—Annual rent received equal to land revenue—Deed, whether perpetual lease or sale.*

The sale of an occupancy holding is contrary to law and absolutely void and no estoppel arises against a statute. Merely because a document is called a lease or a will, although on its proper construction it appears to be something else, the court is not bound to hold it to be that which it calls itself.

Where a document purports to be a perpetual lease of an occupancy holding transferring all the rights of the occupancy tenant, without any right of re-entry for ever to the lessee, on payment of a sum of money and an annual rent which is

\*Second Civil Appeal No. 13 of 1930, against the decree of Babu Sheo Gopal Mathur, Additional Subordinate Judge of Fyzabad, dated the 25th of November, 1929, confirming the decree of M. Muniruddin Ahmad Kirmani, Munsif, in addition to strength at Fyzabad; dated the 25th of September, 1929.