

REG. V. NA'THA' KALYA'N and BA'I LAKHI.

1871.
Jan. 19.*Hindú Wife—Theft of Pallá—Strídhán.*

A Hindú woman who removes from the possession of her husband, and without his consent, her *pallá* or *strídhán*, cannot be convicted of theft, nor can any person who joins her in removing it be convicted of that offence.

THE prisoners were tried and convicted of theft by G. Ayerst, Assistant Judge of Súrat, at Broach, and sentenced each to eighteen months' rigorous imprisonment.

The prisoner Lakhi was the wife of the complainant, and the prisoner Náthá was her paramour. Watching an opportunity in the absence of the complainant, they removed certain property, part of which was found by the trying authority to consist of Báí Lakhi's *strídhán*, and part of some money.

The appeal was argued before GIBBS and MELVILL, JJ.

Nánábhái Haridás for the appellant.

PER CURIAM :—The Court is not satisfied, from the evidence in the case, that the female prisoner took any property from her husband other than her *pallá* or *strídhán*. Therefore, without going into the question and deciding whether a Hindú wife can be convicted of stealing her husband's property, the court is of opinion that she cannot be convicted of theft for taking away her own *pallá*, for over that her ownership on this side of India seems undoubted. (See *Muyaram Rajaram and another v. Govind Ruttonjee* (a); *Wullubhram Oomayushunkur v. Bijlee* (b); *Mayúkha*, Ch. IV., ss. 9 and 10,* and *Doe on the demise of Kullamal against Kuppu Pillai* (c).)

The conviction and sentence on the female prisoner must, therefore, be reversed.

As, therefore, the woman, in removing this property committed no crime, it follows that the male prisoner must also be acquitted.

The conviction and sentence against him are also reversed.

Convictions and sentences reversed.

(a) 2 Borr. 270 (edn. of 1863). (b) *Ibid.* 481.

* Stokes' Hindú Law Books, p. 100. (c) 1 Mad. H. C. Rep. 85.