

OFFENCES AGAINST PROPERTY. By G. A. Merchant [Bombay, N. M. Tripathi Private Ltd. 1963. xliii + 383 pp. Rs. 20.]

This book is an account of the principles underlying the following offences under the Indian Penal Code: Theft, Extortion, Robbery, Dacoity, Criminal Misappropriation, Criminal Breach of Trust, Receiving Stolen Property and Cheating.

This is a pioneer work in that it is the first time that an attempt has been made to survey in a separate work those aspects of criminal law that have a bearing on property. This has enabled a more compendious treatment of the subject. Each chapter deals with one of the offences and essential ingredients of each offence is outlined in the context of numerous and up-to-date cases. Both substantive law and procedure are dealt with in this manner. Various aspects of the offence are treated in considerable detail. For instance, thefts of fish in water, of cattle, of trees and crops each has a separate section illustrated by a number of cases. On occasion, a short comparison of the salient features of the English & Indian Laws has been introduced.

Despite these advantages, and they are far from negligible, the book is in a sense a disappointment. In the first place, the case law is almost wholly drawn from Indian and older Burmese reports. It would have been useful to compare how other countries which have adopted the Indian Penal Code have coped with similar problems. Secondly, the book is an account of the principles relevant to separate offences relating to property; it does not attempt to compare the various concepts underlying these offences. It would have been enlightening to have examined the concept of 'property' in the different offences. If this was not possible, suitable cross-references

would have gone far to meet the needs of a student in this field. Perhaps a more comprehensive index would have sufficed. At the moment, there is only an index of the cases. Thirdly, (and this is perhaps the most important reservation) the method of treating the subject-matter leaves much to be desired. It is not sufficient merely to state a proposition and then support it by a statement of the facts of numerous cases. The cases are placed in such a manner as to be mere examples for or against the proposition. There is hardly an attempt to discuss the cases as a whole. They are not even placed in historical order. Judgments are set out frequently but the judge's line of reasoning is often omitted. There is no attempt to analyse the cases and present them in a particular perspective. As a result, although the ingredients of an offence are stated there is no attempt to restate them in the light of judicial interpretations.

This book will be of use to those who wish to have a brief account of the relevant case law, but it will be of lesser value to the advanced student looking for a sophisticated discussion of the cases.

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