

Page 590/1 Intention to permanently deprive
Temporary Deprivations – Abandonment

A clear example of an intention on the part of a thief to “treat the thing as his own to dispose of regardless of the other’s rights” arose in:

Raphael [2008] EWCA Crim 1014, Crim LR [2008] 995:

V was robbed of his car by two Ds who then offered it back to V for £500. The car was abandoned when the police became involved. Both Ds were charged and convicted of conspiracy to rob. One issue on appeal was whether there was an intention to permanently deprive at the time of appropriation or whether s12 Theft Act 1968 should apply (taking a conveyance without consent). It was held by the CA that this was exactly the sort of case envisaged by s6(1) whereby something was taken and then offered back for V to buy if he wished. An intention to permanently deprive was deemed to arise in such circumstances. S12 had no application where the vehicle was not taken for “a joy ride”.