

Emperor Vs. Ragha Jaga

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Court : Mumbai

Decided On : Jan-19-1914

Reported in : AIR1914Bom36(1); (1914)16BOMLR200

Judge : Heaton and ;Shah, JJ.

Appeal No. : Criminal Reference No. 95 of 1913

Appellant : Emperor

Respondent : Ragha Jaga

Judgement :

1. A certain police sepoy was convicted of the offence of over-staying his leave, or rather of not returning to duty on the expiration of his leave. He was prosecuted and convicted and sentenced to a fine of Rs. 3. The District Magistrate has submitted the papers to us for the purpose of enhancing the sentence.

2. We certainly think that a sentence of this kind for an offence of this nature is quite inappropriate if the offence is of the kind that appears in this case-the deliberate refusal to return to duty on the part of a police officer or a police sepoy on the expiration of a short period of leave. At the same time it is now more than four months since this case was disposed of. It is not shown that there is any particular necessity to make an example of the offending sepoy. Consequently the particular circumstances of this case are not such as in our judgment would overcome the very proper and the very desirable reluctance of this Court months

afterwards to send to jail a man who has been tried and convicted and who has fulfilled the sentence that has been imposed upon him.

3. We should like to add this also that in cases of this kind, indeed in cases of any kind where it is desired by the authorities that an example should be made or that a specially rent sentence should be imposed, it is their duty to bring to the notice of the trying Court and to inform the reasons which they put forward in support to interfere in this case and return the things.

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