

**In Re: Arjun Tathoo**

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**SooperKanoon Citation :** [sooperkanoon.com/340847](http://sooperkanoon.com/340847)

**Court :** Mumbai

**Decided On :** Oct-14-1919

**Reported in :** (1920)22BOMLR188; 55Ind.Cas.853

**Judge :** Shah and ;Hayward, JJ.

**Appeal No. :** Criminal Application for Revision No. 251 of 1919

**Appellant :** In Re: Arjun Tathoo

**Judgement :**

**Hayward, J.**

1. I agree. The applicants' case was one demanding careful consideration. It arose out of factions in the village which have led to quarrels between the parties which had obviously been exaggerated from mere mischief into habitual thefts. It was moreover apparently recognized that there should be a full hearing as notice for a regular hearing had been issued by the learned District Magistrate. It unfortunately however turned out that the time given in the notice was not sufficient. The notice was not received until the afternoon of the 21st and required the pleader to appear on the 22nd either at Jalgaon or at whatever camp he might find the District Magistrate. It has been admitted that the camp was then a long way from Jalgaon. So there really was not reasonable time to appear for the hearing before the District Magistrate. The result was that the parties were deprived of the benefit of having their pleas properly represented by their pleader. It is true that in the case

of one only has the time for which the security was taken not expired. But there ought, in my opinion, in any case to be a regular hearing as regards that one, and as regards the other four it is a matter of considerable importance to them in regard to their position in their village, and it seems to me desirable, therefore, to send the case back in order that there should be the regular hearing which was originally contemplated by the learned District Magistrate.

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