

Queen-empress Vs. Rahim Bakhsh

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1898)ILR20All206

Judge : John Edge, C.J.

Appellant : Queen-empress

Respondent : Rahim Bakhsh

Judgement :

John Edge, C.J.

1. This is an application in revision. An order was made that a certain person proceeded against by a Magistrate under Section 110 and the following sections of the Code of Criminal Procedure should give security himself and should obtain two sureties for his good behaviour for one year. It is obvious that the man Rahim Bakhsh was a man against whom such an order should have been made. His own witness, who is a respectable man, gave him an exceedingly bad character. It was proved to the satisfaction of the Magistrate that he was an associate of professional burglars and a receiver of stolen property. He lived and carried on an ostensible business of a milk seller (which in itself is an innocent occupation for a gentleman of his character), in the city of Saharanpur. The sureties whom he tendered lived in the Roorkee tahsil. One had been rejected when first offered. On his own examination he showed that he knew practically nothing of the man for

whop he was coming from Roorkee to act as surety. The Magistrate considered that sureties at Roorkee would probably have but little influence over a gentleman like Rahim Bakhsh residing at Saharanpur. In my opinion the Magistrate came to a proper conclusion. The object of requiring security to be of behaviour is, not to obtain money for the Crown by the forfeiture of recognizances, but to insure that the particular accused person shall be of good behaviour for the time mentioned in the order. It seems to me to be reasonable to expect and require that the sureties to be tendered should not be sureties from such a distance as would make it unlikely that they could exercise any control over the man for whom they were willing to stand surety. Of course magistrates must not act arbitrarily in these cases: they must be guided in each case by the facts of the case. I am certainly not prepared to follow the decision of the Calcutta Court in the case of Narain Sooboddhee 22 W.R. Cr.R., 37. I dismiss this application.

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