

Emperor Vs. Gulzari Lal

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Court : Allahabad

Decided On : Feb-07-1902

Reported in : (1902)ILR24All254

Judge : John Stanley, C.J.

Appellant : Emperor

Respondent : Gulzari Lal

Judgement :

John Stanley, C.J.

1. There are no grounds for this application, Gulzari Lal was tried and convicted of the embezzlement of suing of money amounting in the aggregate to Rs. 37-3-6, moneys paid to him as patwari of a certain village by the tenants Under the Court of Wards, and which he represented that he had authority to collect. In the charge the aggregate amount of the items is slated, and, in addition to that, the particulars giving the dates and the amounts of three payments are also stated. It is to be observed that the alleged criminal breach of trust was committed within the period of one year, and therefore the provisions of Sub-section 2 of Section 222 of the Code of Criminal Procedure apply. This sub-section is in the following terms: 'When the accused is charged with criminal breach of trust, or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between

which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of Section 234: provided that the time included between the first and last of such dates' shall not exceed one year.' It seems to me clear that particulars as required by this section had been given--in fact more particulars than it was necessary to give to the accused were given in the charge. It has been argued by the learned vakil for the applicant that because it was in the power, or may have been in the power, of the prosecution to supply fuller particulars, they right to have done so, and are not entitled to the benefit of the latter part of the section. I find, however, nothing in the Code of Criminal Procedure to warrant such an argument. This case is not governed by the decision of their Lordships of the Privy Council in the case of Subrahmania Ayyar v. King-Emperor (1901) I.L.R. 25 Mad. 61 S.C. 5 C.W.N. 866 inasmuch as in that case the offences with which the accused was charged extended over a period longer than a year. For these reasons the application is refused. The applicant must surrender himself and undergo the rest of his sentence.