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Queen-empress Vs. Sinha

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1885)ILR7All135

Judge : Duthoit, J.

Appellant : Queen-empress

Respondent : Sinha

Judgement :

Duthoit, J.

1. The applicant has served his term of imprisonment, and a preliminary objection is urged by the learned Junior Government Pleader to the effect that as, since the application was filed, the effect of the finding of the Magistrate has become complete, this Court cannot interfere with that finding. I am unable to admit the force of this contention. I can find nothing in the terms of the law to prevent this Court from interfering with a conviction, even though, in consequence of the expiry of the sentence, it may not be possible to interfere with the latter. And cases in which such interference should not be summarily refused may easily be supposed, as, for instance, where a man's status is altered by his conviction, (as in convictions under Chapter XII or XVII of the Indian Penal Code, or under the Common Gambling Act), or where, as hero, the convict's prospect of future employment depend in a great measure upon the existence or the annulment of

the conviction.

2. The learned Judge then proceeded to deal with the application on the merits.

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