

Emperor Vs. Nabbu Khan

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Court : Allahabad

Decided On : May-17-1902

Reported in : (1902)ILR24All471

Judge : Blair, J.

Appellant : Emperor

Respondent : Nabbu Khan

Judgement :

Blair, J.

1. In this case the Magistrate in binding over a person to be of good behaviour under Section 110 and other sections, in prescribing the class of sureties required, has limited them to residents in the Municipal borough of Mirzapur. Having regard to the ruling of the late Chief Justice Sir John Edge, reported in I.L.R. 20 All. 206, and several rulings of the Calcutta Court to which my attention has been called, I find myself unable to say that it is not in the power of the Court in ordering securities to be given to assign some geographical limit within which such sureties must reside. It is obvious that sureties from a remote spot would not be in a position to keep an eye on or exercise any control over a person bound over. I think, however, in this case for reasons put before me, that the narrowness of the limit might impose upon the person to be bound over an inability to find sureties at all, and he might therefore be sent to prison because such persons who might be

willing to become his sureties live some short distance beyond the Municipal limits.

2. I therefore modify the order of the Magistrate by adding to the words 'to the limits of Mirzapur Municipality' the words 'or to some place in the immediate neighbourhood,' Let the papers be returned.

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