

Allah Bakhsh Vs. Emperor

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Court : Allahabad

Decided On : Apr-10-1931

Reported in : AIR1931All555; 136Ind.Cas.281

Appellant : Allah Bakhsh

Respondent : Emperor

Judgement :

ORDER

Pullan, J.

1. This is an application in revision of an order of the Additional Sessions Judge of Meerut rejecting summarily an appeal received from the jail. The Court was doubtless acting under Section 421, Criminal P.C. which lays down that a Judge on receiving such a petition shall peruse the same, and if he considers that there is no sufficient ground for interfering he may dismiss the appeal summarily. The same section lays down in clear words that the Court hearing such an appeal is not bound to call for the record in the case. I have been referred by the learned Counsel to a Full Bench decision of the Allahabad High Court passed three years before Act 5 of 1898 was enacted, *Empress v. Nannhu* [1895] 17 All. 241 which shows that at that time this Court thought that it was advisable for a Court rejecting an appeal summarily to give some reasons. But. that opinion of the Full Bench of this Court was not incorporated in the subsequent Criminal Procedure Code. The

law, in my opinion, does not mean to fetter the discretion of a Court receiving such jail appeals and there is no ground of revision arising from the action of the learned Additional Sessions Judge in this case. I have been into the case on its merits and I find that the order rejecting the appeal summarily was, in the circumstances of the case, the only proper order which the Court could have passed. I dismiss this application.

2. The bail bond of the applicant is discharged, and he will surrender to serve out his sentence.

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