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Debi Singh Vs. Ramcharan Singh

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Court : Allahabad

Decided On : May-29-1928

Reported in : AIR1928All419; 113Ind.Cas.768

Appellant : Debi Singh

Respondent : Ramcharan Singh

Judgement :
ORDER

1. This is an application by a complainant in a criminal case asking for an enhancement of the sentence of an accused person who was convicted and whose conviction was upheld in the appellate Court. The appellate Court has pointed out that no fine has been inflicted, with the result that the complainant could get no compensation, and was apparently also of opinion that the sentence of imprisonment was inadequate. On the face of it, it appears one of those disgraceful agency swindles of confidence trick type which are so common in this country. That being prima facie the case we think that the sentence is wholly inadequate, and moreover that a heavy sentence of fine might well have been inflicted and the complainant given some liberal compensation therefrom. There is at this stage no longer any question of any argument being possible that it was a civil matter. It has been tried out in both the lower Courts and it has been found that the accused did commit a crime. Let notice issue to Ram Charan Singh to show cause why his sentence should not be enhanced. We might add that the learned Judge who referred this case to this Court appears to have had some

doubt as to whether the Court could take cognizance of the matter on the application of a private complainant. We have absolutely no doubt upon the point. The Court will naturally be loath to act on the motion of a private complainant but in extreme cases-and we hold-this to be one of them-the Court has indubitably power to act.

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