

**Emperor Vs. Muli**

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**SooperKanoon Citation :** [sooperkanoon.com/459624](http://sooperkanoon.com/459624)

**Court :** Allahabad

**Decided On :** Jul-23-1920

**Reported in :** (1921)ILR43All185

**Judge :** Piggott, J.

**Appellant :** Emperor

**Respondent :** Muli

**Judgement :**

**Piggott, J.**

1. Muli has been convicted, on a charge under Section 224 of the Indian Penal Code, of having escaped from a jail in which he was confined under a warrant under Section 123 of the Code of Criminal Procedure, by reason of his having failed to find security to be of good behaviour. The old ruling of this Court in Queen Empress v. Kandhaia (1884) I.L.R. 7 All. 67 seems to hold good to this extent that the applicant Value was not being detained for any offence, and consequently the conviction against him should not have been recorded under Section 224 of the Indian Penal Code, The decision above referred to, along with one or two similar decisions of the Calcutta High Court, were regarded as pointing to an error of omission on the part of the Legislature, and led, amongst other changes in the law, to the enactment of Section 225B of the Indian Penal Code. The conviction in this case should undoubtedly have been recorded under that section and the sentence

cannot exceed the maximum provided by Section 225B. I do not propose to reduce it below the maximum period specified in that section, because this was an escape from a jail, and the escape of a person imprisoned for want of furnishing security to be of good behaviour is a serious matter. I direct that the conviction in this case be recorded under Section 225B of the Indian Penal Code and the sentence reduced to one of rigorous imprisonment for six months.

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