

Laltu Vs. Emperor

Laltu Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/461114

Court : Allahabad

Decided On : Jul-07-1919

Reported in : AIR1919All369; 52Ind.Cas.60

Judge : Piggott, J.

Appellant : Laltu

Respondent : Emperor

Judgement :

Piggott, J.

1. The point raised by this application in revision may be stated thus: One Laltu was arrested by certain Police Officers along with a number of other persons in a lane in the City of Cawnpore under what were undoubtedly suspicious circumstances. The matter came before the Joint Magistrate of Cawnpore, and he was of opinion that Laltu had not given a true explanation of his presence on the night in question at the spot where the Police arrested him. Upon this finding Laltu has been bound over to be of good behaviour under Section 109 of the Code of Criminal Procedure. I have ascertained that Laltu resides within the jurisdiction of the Joint Magistrate before whom proceedings were taken. I do not think it is possible to apply the provisions of Section 109 of the Code of Criminal Procedure to the state of facts above set forth. There are two oases of this Court more or less in point, that of Sharif Ahmad v. Emperor 12 Ind. Cas. 304 : 8 A.L.J. 1097 : 12 Cr.

L.J. and that of Ghulam Jilani v. Emperor 51 Ind. Cas. 161 : 17 A.L.J. 432 : 20 Cr. L.J. 401. The latter was obviously a much stronger case against the applicants in revision than is the one now before me. On the principles laid down in these two rulings I am quite satisfied that it cannot be said of Laltu that he could not give a satisfactory account of himself within the meaning of Section 109, Clause (a), of the Code of Criminal Procedure. I set aside the order against Laltu and direct his sureties to be discharged and his security bond to be cancelled. If he is in custody for failure to furnish security, he must be released.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com