

Debigir Tapdhari Vs. Emperor

Debigir Tapdhari Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/463560

Court : Allahabad

Decided On : Dec-22-1924

Reported in : AIR1925All322

Appellant : Debigir Tapdhari

Respondent : Emperor

Judgement :

Mukerji, J.

1. This is a reference by the learned Sessions Judge of Bulandshahr with the recommendation that the conviction of one Debigir Tapdhari under Section 173 of the Indian Penal Code may be set aside and the fine inflicted may be remitted.

2. It appears that a police constable took a summons to Debigir Tapdhari for the purpose of serving it on him. Debigir refused to take the summons and sign an acknowledgment. This is all that has been proved in the case. The learned Magistrate thinks that this is enough to constitute an offence under Section 173 of the Indian Penal Code and the learned Sessions Judge thinks that something more is necessary than a refusal to accept a summons for a conviction under the said section. I agree with the learned Sessions Judge.

3. I accept the reference, set aside the conviction and sentence and order that the fine, if paid, be refunded.

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