

Nanhe Vs. Emperor

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Court : Allahabad

Decided On : May-03-1918

Reported in : AIR1918All182; 46Ind.Cas.295

Judge : George Knox, J.

Appellant : Nanhe

Respondent : Emperor

Judgement :

1. The Sessions Judge of Budaun has referred the following matter. One Nanhe was ordered under Section 118 of the Criminal Procedure Code to furnish a bond for Rs. 200 and to provide one respectable and reliable surety in Rs. 100. A surety came forward and offered security. The security was house property, about which the Tahsildar reported that the house owned by the surety was worth Rs. 500 and that he was a respectable person. Still the Magistrate refused to accept it, on the ground that under Section 514 of the Criminal Procedure Code only moveable property can be attached and sold for the recovery of any penalty ordered under that section. No proceedings could be taken against a house and the District Magistrate considered the security insufficient. While it is true that so long as a surety is alive only moveable property can, for default under Section 514 of the Criminal Procedure Code, be attached and sold for recovery of penalty, yet I agree with the learned Sessions Judge that if the house offered as security is worth Rs. 500 and the surety is reported by the Tahsildar to be a respectable person, the

security should be accepted. I set aside the order of the learned District Magistrate and direct that the surety and security offered be accepted. Let the record be returned.

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