

ishwari Dutt Vs. Emperor

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Court : Allahabad

Decided On : Jul-06-1918

Reported in : AIR1918All257; 46Ind.Cas.701

Judge : P.C. Banerji, J.

Appellant : ishwari Dutt

Respondent : Emperor

Judgement :

P.C. Banerji, J.

1. The applicant Ishwari Dutt has been ordered to furnish security for good behaviour. The charge against him was that he habitually committed extortion and was so desperate and dangerous that his being at large without security was hazardous to the community. No instance of his having committed extortion has been found or established in fact, no instance has been given in which this man was said to have committed extortion or attempted to commit extortion. All that is proved against him is that he promotes litigation and has considerable influence with Patwaris. Assuming the evidence on these points to be true, they would not necessarily raise the inference that he committed extortion or attempted to do so. In promoting litigation he may have been supporting the right party. If, of course, it was shown that he habitually took or attempted to take money from litigants by offering to them threats of supporting their opponents, that would be a case of

extortion or attempted extortion. But no such instance, as I have said above, has been found against him. His having influence with the Patwaris would not raise - the inference that he was so dangerous and desperate that his being left at large would be hazardous to the community. It must be shown that he had such a reckless disregard of the safety of the person and property of his neighbours that his being at large would be detrimental to the community, and if that were proved he would be a man of a desperate and dangerous character within the meaning of Section 110. This was held in *Wahid Ali Khan v. Emperor* 11 C.W.N. 789 : 6 Cr. L.J. 1. The present case does not come within the purview of any of the clauses of Section 110, and, therefore, the order passed against the accused was not justified. I accordingly set it aside and direct that Ishwari Dutt be released if he is in custody and that his security bonds be discharged if security has been furnished.

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