

Ram Ratan Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/469815

Court : Allahabad

Decided On : Jan-06-1922

Reported in : 65Ind.Cas.855

Judge : Stuart, J.

Appellant : Ram Ratan

Respondent : Emperor

Judgement :

Stuart, J.

1. The first point to decide is the age of the platform. The documentary evidence shows that it was in existence in 1902 and I see no reason to disbelieve the oral evidence that it has been in existence for thirty years before the date of the case. The Cantonment authorities having acquiesced in its existence for that period cannot be permitted to demolish it now. The Magistrate has made a reference to the Defense Zone. Act VII of 1903 does not afford any authority for demolition of the platform and, in any circumstances, as it is only about three feet high, its existence cannot be considered a danger to the defence of Agra. I set aside the conviction and sentence accordingly. The fine, if paid, will be refunded.