

Tulla and ors. Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/471483

Court : Allahabad

Decided On : Jan-11-1919

Reported in : AIR1919All72(1); 54Ind.Cas.250

Judge : Lindsay, J.

Appellant : Tulla and ors.

Respondent : Emperor

Judgement :

Lindsay, J.

1. This case has been referred by the Sessions Judge of Saharanpur for the purpose of having an order passed by a Magistrate set aside. The Magistrate was dealing with a case under the Gambling act and after convicting the persons who were accused before him, he made an order confiscating some of the money which was found in possession of the persons concerned. The Judge, I think, is right in saying that the law does not contemplate the confiscation of the money found on the person of the accused. He refers to a ruling of this Court, Maturwa v. Emperoi 46 Ind. Cas. 166 : 16 A.L.J. 428 : 40 A. 617 : 19 Cr. L.J. 700. I accept the recommendation of the learned Judge and direct that the order of confiscation be set aside.

