

Mooli Vs. Emperor

Mooli Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/472586

Court : Allahabad

Decided On : Jul-23-1920

Reported in : 58Ind.Cas.831

Judge : Piggott, J.

Appellant : Mooli

Respondent : Emperor

Judgement :

1. Mooli has been convicted on a charge under Section 224 of the Indian Penal Code, of having escaped from a jail in which he was confined under a warrant under Section 123 of the Criminal Procedure Code, by reason of his having failed to find security to be of good behaviour. The old ruling of this Court in Queen-Empress v. Kandhaia 7 A. 67 : A.W.N. (1884) 267 : 4 Ind. Dec. (N.S.) 297 seems to hold good to, this extent that the applicant Mooli was not being detained for any offence, and, consequently, the conviction against him should not have been recorded under Section 224 of the Indian Penal Code. The decision above referred to, along with one or two similar decisions of the Calcutta High Court, were regarded as pointing to an error of omission on the part of the Legislature and, led, amongst other changes in the law, to the enactment of Section 225(B) of the Indian Penal Code. The conviction in this case should undoubtedly have been recorded under that section and the sentence cannot exceed the maximum provided by Section 225(B), I do not propose to reduce it below the maximum

period specified in that section, because this was an escape from a jail and the escape of a person imprisoned for want of furnishing security to be of good behaviour is a serious matter. I direct that the conviction in this case be recorded under Section 225(B) of the Indian Penal Code and the sentence reduced to one of rigorous imprisonment for six (6) months,

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