

Emperor Vs. Paimal Nai

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SooperKanoon Citation : sooperkanoon.com/472963

Court : Allahabad

Decided On : Jul-24-1912

Reported in : 17Ind.Cas.571

Judge : George Knox, J.

Appellant : Emperor

Respondent : Paimal Nai

Judgement :

George Knox, J.

1. Paimal Nai is reported to have been arrested by the Police acting under Section 54 of the Code of Criminal Procedure. He was arrested as being a person who had been concerned in a cognizable offence or against whom a reasonable complaint had been made or credible information received or reasonable suspicion existed of his having been SO concerned. The offence is apparently theft or possession of stolen property belonging to one Mohan.

2. The value of this information or suspicion may be appraised from the fact that when he was arrested, no attempt whatever was made to charge him with the offence. The Police, instead, had resort to Section 110 of the Code of Criminal Procedure and they placed Paimal before a Magistrate with a view of action being taken under that section. They appear to have given the Magistrate some

information of the vaguest possible description that Paimal had been concerned in several cases, that he was in the habit of consorting with bad characters and that he was himself a bad character. As this information, which was given to the Magistrate before the 17th February 1912, was not substantiated by any evidence until the 11th March 1912, the probability is that this was a bow drawn to venture and that the Police had no information such as they said they had. I cannot understand how the learned Magistrate detained Paimal upon a report of this kind.

3. Section 110 is not intended to afford the Police a means of keeping a suspected person under detention until they are able to work out a case against him. Action of this kind on the part of the Police tends to throw doubt upon their work generally and a Magistrate should not detain a person under Section 110 of the Code of Criminal Procedure unless he has the necessary information upon which he can make the order in writing required by Section 112. So far as I can gather from the papers on the record, and on inquiry made, I have been told that there are no further Police papers, the arrest of Paimal was not warranted by law. Then I find that on the order being read over and explained to the suspected person, he said that he had no cause to show. Assuming this to be an accurate statement of what the person suspected said, it is difficult to understand why the Police asked for further time to produce evidence and why defence witnesses were sent for. The whole proceedings are so doubtful that I direct that the order, dated the 11th of April 1912, be set aside and that Paimal be unconditionally released.