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Court : Allahabad

Decided On : Feb-02-1916

Reported in : AIR1916All222(1); 33Ind.Cas.317

Judge : Henry Richards, C.J.

Appellant : Puran and ors.

Respondent : Emperor

Judgement :

1. This is an application to set aside the order of Mr. Munro, Magistrate, whereby he ordered the applicants to execute bonds for Rs. 100 with two sureties to be of good behaviour for one year, and in default one year's rigorous imprisonment under Section 110 of the Code of Criminal Procedure. This order was confirmed with some modification by the District Magistrate. It is contended on behalf of the applicants that Mr. Munro's order was invalid because he was neither a District Magistrate, a Sub-Divisional Magistrate of Meerut or a Magistrate of the first Class when he made this order. It is admitted that when Mr. Munro commenced the investigation of the case he was a Sub-Divisional Magistrate of Meerut, but it is also admitted that at the date when he made his order he had ceased to be so. Section 110 only permits of the particular Magistrates mentioned in the section dealing with such cases. It seems to me, therefore, that the order was invalid and made without jurisdiction. I accordingly set aside the order of Mr. Munro dated the 13th of July 1915 and also the order of the District Magistrate dated the 20th of

September 1915.

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