

Ajay Kumar Ghosh Vs. Emperor

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Court : Allahabad

Decided On : Mar-23-1933

Reported in : AIR1933All674

Appellant : Ajay Kumar Ghosh

Respondent : Emperor

Judgement :

ORDER

Kisch, J.

1. The applicant, Ajay Kumar Ghosh, has been ordered by a First Class Magistrate to execute a personal bond for Rs. 2,000 with two sureties each in the same amount to be of good behaviour for one year. On appeal the order of the Magistrate was affirmed by the learned Sessions Judge of Cawnpore. The case against the applicant was that he was a member of the revolutionary party and was so desperate and dangerous as to render his being at large without security hazardous to the community. The learned Sessions Judge has written a very careful judgment in disposing of the applicant's appeal. He has considered every point that could be considered in favour of the applicant and I do not find that there is any ground for interfering' with his order in revision.

2. A.K. Ghosh was arrested in 1929 in connection with the Lahore conspiracy case, but he was acquitted in that case in the following year. It is however proved

by the evidence that he was associating in Cawnpore with a number of persons who are known to be members of the revolutionary party. Several of these associates are strongly suspected of taking part in dacoities committed in pursuance of revolutionary objects. One, Debi Dayal, was hanged in connection with the Kahu Kothi political dacoity with murder at Cawnpore. Another A.K. Bose, fired at a C.I.D., Inspector in January 1931. A third, D.N. Bhattacharji, was convicted of robbery and illegal possession of arms at Hoogly in October 1931. At the time of his arrest the applicant was an office bearer of the Naujawan Bharat Sabha in Cawnpore and when the office of the Sabha was searched revolutionary poems in Hindi were found there. There are indications in the evidence of his sympathy with other persons who wish to upset the social order by violent revolution. It may also be noted that the status of the applicant's family is such that there should have been no difficulty in the applicant finding the security required, provided he was able to satisfy the persons who could have stood as sureties for him, that he was prepared to give up revolutionary and other illegal activities.

3. I see therefore no reason to interfere with the orders of the Courts below and dismiss the application. It has been pointed out by the learned Counsel for the applicant that when the application for revision was admitted the order that the applicant should undergo rigorous imprisonment was suspended and he was detained in jail under conditions of simple imprisonment. He accordingly points out that if the order of the trial Court is allowed to stand as it is, the result may be that the applicant, whose period for giving security for one year would ordinarily expire on 28th June 1933, will be required to remain in jail for a further period of about seven and a half months in order to complete the term; of one year's rigorous imprisonment. In the circumstances the order of the trial Court will be varied to the extent that out of the period of one year's imprisonment which the applicant is required to undergo in default of furnishing security, the imprisonment will be simple imprisonment from 5th August 1932 to 23rd March 1933, and the remainder will be rigorous imprisonment.