

Dalle Singh Vs. King-emperor

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SooperKanoon Citation : sooperkanoon.com/477475

Court : Allahabad

Decided On : Apr-22-1929

Reported in : AIR1929All599a

Appellant : Dalle Singh

Respondent : King-emperor

Judgement :

Boys, J.

1. I do not think the order calling for security from Dalle Singh for a period of one year can be maintained, and that for more than one reason. The police put up against this man by way of evidence four dacoity cases in which he had been acquitted. As regards only one of these can the Judge state even, and states rightly, that it leaves 'some residuum of suspicion against him.' There are two other cases in which he is said to have been suspected both rejected by the Judge. 'Suspicion' is worthless and inadmissible unless supported by good reasons and then it is the reasons and the facts on which the suspicion is based, and not the suspicion, to which only weight can be given. So far as there is any evidence justifying the order the Judge finds it in the evidence of nine prosecution witnesses, of whom he eliminates one, who give evidence of the accused's general bad character. Such evidence is, of course, admissible to prove the general repute of the accused, but its weight must vary according to particular

circumstance. In the present case the accused was admittedly in the 'vakalat' from December 1924, to the 22nd March 1926, when he was acquitted. Some Section 107 proceeding was started against him, but in March 1926, he left India and did not return till January 1928. Some dacoities are said to have been committed in April, 1928, and Dalle Singh was arrested on 21st April 1928, but has been acquitted of any participation in those dacoities. He remained in Jail under these charges and in connexion with the gang case till the 9th December 1928. He was arrested at the door of the Jail and these proceedings were forthwith started against him. The facts that I have given make it manifest that for the last year past at any rate Dalle Singh cannot have committed any thefts, robberies etc., such as are said to form the basis of the present proceedings it would appear that the only period during which he could have committed any crime which is really material to the present case is the first four months of last year. It would seem manifest that Dalle Singh is a person who to say the least of it, is very unfortunate to have been suspected so often, but I have to consider whether there is evidence to support the charge now made against him. There is nothing proved by the lower Courts against him at any time at all. But he has been under arrest for two long periods and his name associated with these dacoities. It is manifest that under these circumstances any number of witnesses would be prepared to come forward and say that he did not bear a good character. I think in the circumstances of this case something more definite than that is required. But this is not the only consideration. He has been called on to furnish security for a year. Any act of any sort or description whatever which he can have committed which would justify his being so-called on must of necessity have been committed before 21st April 1928, when he was arrested. Had these proceedings been started then and carried through successfully the period of one year's security would now have elapsed. For both the above reasons I do not think that this order should be maintained, and I set it aside and direct that the security called for be discharged and cancelled and unless he is wanted in any other matter he will forthwith be set at liberty.