

**AlimuddIn Alias Allia Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/478329](http://sooperkanoon.com/478329)

**Court :** Allahabad

**Decided On :** Apr-30-1924

**Reported in :** AIR1924All569; 82Ind.Cas.36

**Judge :** Ryves, J.

**Appellant :** AlimuddIn Alias Allia

**Respondent :** Emperor

**Judgement :**

**Ryves, J.**

1. This is an application in revision by one Alimuddin alias Allia who was sentenced to three years' rigorous imprisonment on failure to furnish security under Section 110 of the Criminal Procedure Code. It is very difficult for this Court in revision to interfere in these cases, but this Court has to be satisfied that the evidence is of a character which will reasonably support the inference that it is necessary in the interest of public security to send the man to prison or bind him down. Alimuddin was convicted of theft in 1916. That cannot have been a very bad case as he was sentenced only to 15 days imprisonment. However a history sheet was started and he came under the suspicion of the Police. In April 1921 he was bound down for one year under Section 110 although the order was not enforced. Evidently he has been a marked man ever since. Between February and May 1923 four dacoities were committed in the Agra District within the Police Circle of

Khaliluddin, Circle Inspector. In the last of these dacoities, one Beni Singh was caught on the spot and he made a confession in which he indicated that the four dacoities were the work of one gang. Among the members of that gang, it is said was a Muhammadan from Agra. He was not able to name the Muhammadan and was not able to identify him. The result was that the Muhammadan from Agra was not put on his trial for dacoity. The Police have come to the conclusion that the accused is the Muhammadan from Agra. As he was neither named nor identified by Beni Singh it seems to me there is no justification for the inference that Allia had anything to do with these dacoities.

2. I think the reason why the Police have taken proceedings against this man is because they believe that he was connected with these dacoities. The other evidence in the case seems to me to be too vague to support the charge. On two occasions in September and October, 1922, he was charged of having committed offences, but his house was not searched and the complainants in those cases have given the reasons why they suspected Allia and the reasons really are very unsubstantial. None of the witnesses can say anything recent about the accused. There is evidence that he associates with two bad characters, but this evidence is very unsatisfactory. One witness, for instance, says that he learned this fact from a statement made to him by the accused himself. In cross-examination he denied that he ever had any conversation with the accused. Another witness who testified against the accused when asked to identify him in the Court pointed to a Pleader's clerk.

3. All this evidence, however even if believed is to the effect that the accused has the reputation of dealing in stolen cattle or stealing cattle. He says of himself that he is a butcher by profession and this is admitted by some of the prosecution witnesses. Many butchers rightly or wrongly are suspected of dealing in stolen cattle, but the evidence, in my opinion, against Allia is much too vague. I cannot help thinking that but for the fact that the Police suspected that in spite of Beni Singh's failure to name and mention Allia in connection with the dacoits, they believed he was concerned with those dacoits, and hence this case. I must accept the application and set aside the order under Section 110 and the applicant will be released.

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