

**Rahmatullah Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/479067](http://sooperkanoon.com/479067)

**Court :** Allahabad

**Decided On :** Jan-07-1921

**Reported in :** 61Ind.Cas.523

**Judge :** Grimwood Mears, C.J.

**Appellant :** Rahmatullah

**Respondent :** Emperor

**Judgement :**

Grimwood Mears, C.J.

1. It appears in this case that the two sureties were rejected on the ground that they were residents of Bijour, which is some eleven miles away from the place of residence of the accused. The Deputy Magistrate took what is a not unreasonable ground, that they being so far away would be unable to exercise any control over him. However, one of them, named Prohit Basant Lal, who is a Zemindar of the village in which the accused lives, has expressed his willingness to take the accused into his service and to look after him during the period under which he is bound to be of good behaviour. That, of course, is not an undertaking that the Court can enforce and if it transpired later, on an inquiry, that that was not a genuine offer the accused was not taken into the service of the surety, that might be a ground for re-opening the proceedings, But the whole, having regard to all the circumstances of the case, and regarding as I do the offer of Basant Lal as genuine, I feel inclined

to follow the same line of reasoning which Mr. Justice Chamier adopted in *Bhagwan Sahai v. Emperor* 7 Ind. Cas. 910 : 7 A.L.J. 993 : 11 Cr.L.J. 536, In that case he was of opinion that sureties should not be rejected merely on the ground that they lived 10 miles away and that one ought not to put unnecessary difficulties in the way of people required to find sureties. Under these circumstances, the matter should go back to the learned District Magistrate who will sail upon the sureties to enter into bonds, and when that has been done the accused will be released.

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