

**Niranjan Singh and Anot Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/480649](http://sooperkanoon.com/480649)

**Court :** Allahabad

**Decided On :** Jan-23-1933

**Reported in :** 147Ind.Cas.227

**Judge :** Young, J.

**Appellant :** Niranjan Singh and Anot

**Respondent :** Emperor

**Judgement :**

**Young, J.**

1. This is an application in revision from an order of the Sessions Judge of Bulandshahr against the applicants binding them over under Section 110 for one year.

2. This is a somewhat unusual case under the above section. Both the applicants, Niranjan and Tikam, were previously-bound over in July, 1928, under this section, Niranjan for two years and Tikam for one year. Both of these applicants went to jail, as they could not find sureties. Niranjan was released in July, 1930, and Tikam in July, 1923. In March, 1932, fresh notices were served on both the applicants. Some 37 witnesses were examined for the prosecution, of whom 29 witnesses deposed to the general repute of the applicants that they were habitual thieves and house-breakers. The defence, on the other hand, called no less than 51

witnesses, many of whom live in the same patti as the applicants. They all gave evidence that these two men were of good character and there was no suspicion against them of being habitual thieves or house-breakers. The Judge notes that 21 of the witnesses called for the defence were military men. There is no doubt that many of these defence witnesses were reputable and respectable zamindars. It is also true that they live in the same neighbourhood, and if these men, in fact, were habitual thieves and robbers, they would have been the first to feel the evil effects of these two men being at large.

3. Further it does not appear from the judgment or the evidence whether the prosecution witnesses were deposing as to the general repute of these two applicants after they had come out of their previous incarceration. It may well be that their evidence was precisely the same as it had been upon the previous occasion when the order under Section 110 was passed against these two applicants. In cases where there has been a previous order under this section, witnesses ought to make it clear in their evidence that their evidence, relates to the reputation of the persons proceeded against subsequent to their release from imprisonment. It would be intolerable that on the same evidence as before suspected persons should continually be sent to jail under this section.

4. I am satisfied that this is a case which admits of doubt. I accept the revision and discharge the order of the learned Magistrate dated May 9, 1932.

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