

Hukum Singh Vs. Emperor

Hukum Singh Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/481481

Court : Allahabad

Decided On : Mar-15-1926

Reported in : 94Ind.Cas.889

Judge : Daniels, J.

Appellant : Hukum Singh

Respondent : Emperor

Judgement :

Daniels, J.

1. The applicant has been convicted under Section 174 of the Indian Penal Code of disobeying a subpoena requiring him to attend before the Sub-Inspector in a Police inquiry. Section 174 prescribes a punishment for any person being legally bound to attend at a certain place and time in obedience to a summons, notice, order or proclamation issued by a legally competent public servant, intentionally omits to attend at that place or time. The sub-poena which was issued to the applicant as issued in this case did not require him to attend at a certain place. It called on him to attend either at Sahail thana or wherever the Inspecting Officer might happen to be. This is not a legal subpoena, failure to comply with which can be punished under Section 174. If any authority other than the language of the section itself is needed for this proposition it may be found in the case of *Empress of India v. Ram Saran* 5 A. 7 : A.W.N. (1882) 145 : 3 Ind. Dec. (N.S.). As the

subpoena did not require the accused to attend at a definite place I set aside the orders of the Courts below and acquit the accused. The fine, if paid, will be refunded.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com