

State Vs. Sumer Chand

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Court : Rajasthan

Decided On : Jan-03-1961

Reported in : 1985WLN(UC)186

Judge : C.B. Bhargava, J.

Appeal No. : S.B. Criminal Reference No. 290 of 1960

Appellant : State

Respondent : Sumer Chand

Disposition : Reference Rejeected

Judgement :

C.B. Bhargava, J.

1. This is a reference of the D.M. Pali, recommending that the Order of the First Class Magistrate, Sojat dated 22-2-1960 releasing the accused on bail be set aside. In support of the reference learned Distt. Magistrate has referred to provisions of Section 497 Cr. PC which provides that the accused shall not be released on bail if there appears reasonable grounds for holding that he has been guilty of the offence punishable with death or imprisonment for life. The accused is being prosecuted for an offence Under Section 409 IPC which is punishable with imprisonment for life or with imprisonment of either description for a term of 10

years. It cannot be said that the offence was punishable with imprisonment for life only. Learned Magistrate had therefore jurisdiction to release the accused on bail. Having regard to the circumstances mentioned in the Order of the learned Magistrate it cannot be said that he has wrongly exercised his discretion. Learned Dy. Government Advocate also does not support the reference. The reference is therefore rejected.

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