

In Re: Allah Baksh

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Court : Chennai

Decided On : Jan-21-1938

Reported in : AIR1938Mad567

Appellant : In Re: Allah Baksh

Judgement :

ORDER

Pandrang Row, J.

1. From the circumstances reported by the District Magistrate, it is obvious that the sentences in the two cases of detention in the Borstal School in C.C. Nos. 21 and 22 of 1937 on the file of the Sub-divisional Magistrate, Gobichettipalayam, should not have been ordered to run consecutively. These sentences of detention cannot be regarded as equivalent for all purposes to sentences of imprisonment, though for purposes of appeal and revision they are to be deemed as sentences of imprisonment according to Section 20, Borstal Schools Act. The fact that it was considered necessary by the Legislature to say in so many words that for purposes of appeal and revision a sentence Under Section 8, that is to say, a sentence of detention, shall be deemed to be a sentence of imprisonment shows that otherwise they could not be regarded as equivalent. The object of detention in a Borstal School being to reform the offender and as the Magistrate has got sufficient discretion to detain an offender for such period as the law permits, there is no reason why one sentence of detention imposed upon an offender should be

ordered to run after the expiry of another sentence imposed upon the same offender. The direction given by the Sub-divisional Magistrate that the sentence of detention in one case should take effect after the expiry of the sentence of detention in the other case is not in consonance with law and is therefore set aside. The sentences shall operate concurrently.

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