

In Re: Haidar Ali

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Court : Kolkata

Decided On : Feb-18-1886

Reported in : (1885)ILR12Cal520

Judge : McDonell and; Beverley, JJ.

Appellant : In Re: Haidar Ali

Judgement :

McDonell and Beverley, JJ.

1. We think that the proceedings of the Bench in this case ought to be set aside on two grounds. In the first place the order made, under Section 112 of the Code of Criminal Procedure, does not comply with the provisions of that section. This is a mere technical irregularity; but on general grounds we think that the mere fact that the person from whom the security was demanded had been previously convicted of offences against property is not in itself sufficient to justify proceedings under Section 110 of the Code, unless there is additional evidence (which in this case there is not), that the person complained against has done some act, or resumed avocations that indicate on his part an intention to return to his former course of life, and to pursue a career of preying on the community. In this case the person from whom security was required had only recently been released from jail, and we think it was rather the duty of the Police to assist him in finding honest employment than to apply to have him incarcerated for a further period merely on

the ground of his previous convictions.

2. We set aside the order of the Bench and direct that Haidar Ali be released.

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