

In Re: Bhoobuneshwar Dutt

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SooperKanoon Citation : sooperkanoon.com/862027

Court : Kolkata

Decided On : Dec-14-1877

Reported in : (1878)ILR3Cal621

Judge : Markby and ;Mitter, JJ.

Appellant : In Re: Bhoobuneshwar Dutt

Judgement :

Markby, J.

1. It appears to us that this conviction must be set aside. The charge against the petitioner was, that he had refused to give a receipt for a summons. This has been held by the High Court of Bombay in Reg v. Kalya bin Fakir 5 Bom. II. C. Rep. Cr. Cases 34 not to be an offence under Section 173 of the Indian Penal Code, which is the section under which this conviction has been made. We concur in that decision.

2. This conviction will, therefore, be set aside; and the fine, if paid, will be refunded. If the petitioner is in jail, he will be released.