

Dhanoo and ors. Vs. Emperor

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Court : Kolkata

Decided On : May-15-1929

Reported in : AIR1930Cal294

Appellant : Dhanoo and ors.

Respondent : Emperor

Judgement :

ORDER

Mukerji, J.

1. The defect that is noticeable in the judgment of the learned Sessions Judge is that he has not dealt with the evidence which would justify the order as against each of the 14 accused persons who were the appellants before him, separately and individually. This, defect would not have been of much materiality if the inquiring Magistrate had done so in passing the order that he did. That officer, it appears, considered it sufficient to find that all the accused belong to a party known as 'Rahimuddin's party' or 'Abani Babu's party' Rahimuddin being the immediate leader, Abani Babu the guiding or controlling authority and the remaining accused persons being Abani Babu's tenants and adherents. Considerations such as these are not sufficient for making an order in a lump against a body of men. Facts and figures have to be given showing how each person, against whom the order is to be made, deserves to be so treated.

2. The Rule is made absolute, and the judgment of the learned Sessions Judge being set aside it is ordered that the petitioner's appeal be reheard by the Additional Sessions Judge.

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