

Beni Singh Vs. Emperor

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Court : Allahabad

Decided On : Apr-16-1929

Reported in : AIR1929All608; 117Ind.Cas.346

Appellant : Beni Singh

Respondent : Emperor

Judgement :

Dalal, J.

1. These proceedings must be quashed. On 22nd September 1928 the Sub-Divisional Magistrate of some place not noted issued notice to Beni Singh as follows:

you are by habit extortionist and so desperate and dangerous as to make you being at large hazardous to the community. I call upon you to show cause why you should not be ordered under Section 110(f), Criminal P.C.

2. to execute a bond with sureties. The order is wrongly worded. There is no mention in Clause (f) of an 'extortionist.' Extortionist is mentioned in Clause (d) and not in Clause (f). Another mistake in the notice is that what the section desires to guard against is the freedom of a dangerous man without security and not freedom entirely. To judge by the notice one would think that the Sub-Divisional Magistrate was determined to send Beni Singh to prison contrary to law. There can be no hazard to the community under the present circumstances, because Beni Singh is not at large without security. A Magistrate of Agra has placed him under security on 13th August 1928. So obviously no hazard to the community exists until 13th August 1929. These proceedings against Beni Singh are entirely misdirected. I hereby quash them and direct that no such proceedings may be taken against him until 13th August 1929 or until the order of Mr. Lalta Prasad, Magistrate, First Class of Agra dated 13th August 1928 is earlier set aside.