

(1997) 05 DEL CK 0084

In the Delhi High Court

Case No : Criminal Revision Appeal No. 154 of 1997

Bhuvaneshwar

APPELLANT

Vs

National Capital Territory of Delhi

RESPONDENT

Date of Decision : 09-05-1997

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Citation : (1997) 5 AD 169 : (1997) 68 DLT 299

Hon'ble Judges : Mohd. Shamim, J

Bench : Single Bench

Advocate : A. Malviya and Mukta Gupta, for the Appellant;

Judgement

Mohd. Sharnim, J.

(1) Heard the learned Counsel for the Petitioner.

(2) This petition is directed against an order dated August 23, 1996 passed by Mrs. Renu Bhatnagar, Metropolitan Magistrate, whereby she rejected the surety furnished by the petitioner.

(3) Learned Counsel for the petitioner contends that the father of the petitioner Shri Rishwal Jagat @ Chamru came all the way from Village Ankapur, Po Bodan, District Larkar, (Orissa) to stand as surety for his son. Thus the learned lower Court should not have rejected the surety bond of the petitioner on the ground that he had no control since the petitioner happened to be the father of the accused.

(4) I agree with the learned Counsel for the petitioner. Admittedly, the surety namely Shri Rishwal Jagat is the father of the petitioner. Thus he has got all the necessary control over the accused and he would be thus a better surety than a stranger inasmuch as a father can have a better control over his son.

(5) Learned Pp does not oppose the petition. Considering the above facts and circumstances the present petition is accepted. The petition is allowed. The

learned Magistrate is directed to accept the surety bond furnished by the petitioner, referred to above. Dasti.