

(1901) 11 CAL CK 0006
In the Calcutta High Court

Panchoo Gazi

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 14-11-1901

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 125

Citation : (1902) ILR (Cal) 455

Hon'ble Judges : Harington, J;Gupta, J

Bench : Division Bench

Judgement

Harington and Gupta, JJ.—In this case a rule was granted calling upon the District Magistrate to show cause why an order made u/s 125 of the Code of Criminal Procedure should not be set aside on the ground that it was made without jurisdiction. It appears that the petitioner had been bound over in what is usually known as a bad-livelihood case to be of good behaviour. The District Magistrate, purporting to act u/s 125 of the Code of Criminal Procedure, cancelled the security bond on a report which he received from the police, and ordered that the petitioner should be imprisoned, until a fresh security bond should be given. The Magistrate was not entitled to make that order u/s 125. Accordingly the rule must be made absolute and the Magistrate's order set aside.

2. The rules granted in cases Nos. 878, 879, 880, and 881 of 1901 are made absolute for the same reason.