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Date: 26/10/2025

Emperor Vs Ram Kishan

None

Court: Allahabad High Court

Date of Decision: Sept. 26, 1917

Citation: (1918) ILR (All) 39

Hon'ble Judges: Pramada Charan Banerji, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Pramada Charan Banerji, J.
Ram Kishan was called upon u/s 110 of the Code of Criminal Procedure to furnish security for good

behaviour on the ground that he was a man of a dangerous of d desperate character. The officiating District Magistrate of Bareilly, who tried the

case, made an order u/s 118 directing Ram Kishan to furnish security to be of good for two years. As the security was furnished he did not submit

the case to the Sessions Judge u/s 123 of the Code. The first plea taken in the application for revision to this Court is that the learned Magistrate

acted contrary to law in not complying with the provisions of Section 123, which is to the effect that is a person who has been ordered to furnish

security dose not give such security, the Court may direct him to be detained in prison pending the orders of the Sessions judge. The learned

Counsel for the applicant did not press the plea. In the case of Rai Isri Pershad v. Queen-Empress (1), It was observed that the Section has

reference to a case where default is made in furnishing the security required, and that if security is given, the Section does not apply and no

reference to the Court of Session is necessary. Security having been furnished in this case, it was not necessary to submit the case to the Sessions

Judge. As the order in thee present case to the Sessions Judge. As the order in the present case was made by the officiating District Magistate, I

have allowed the whole of the evidence to be laid before me by the learned Counsel for the applicant. In view of that evidence, which shows that

there are specific instances in which the accused had been maltreating people in trying to extort money and had been extorting money, it cannot be

held that he has retrieved his character. He had already been convicted six times, and it is not satisfactorily shown that since his last conviction in

1914 he has improved his character. On the contrary, the evidence goes to prove that he is still pursuing his old habits. Under these circumstances

I feel that I should not be justified in interfering with the order of the Court below. I accordingly dismiss the application.