

(1881) 01 CAL CK 0003

Calcutta High Court

Case No: Motion No. 9 of 1881

Janokinath Gupta and
The Empress

APPELLANT

Vs

Janokinath Gupta

RESPONDENT

Date of Decision: Jan. 27, 1881

Judgement

Mitter and Maclean, JJ.

The Petitioner, a constable, obtained a month's leave, but failed to join his post at the expiration of that time. For this omission on his part he has been committed u/s 29, Act. V of 1861, and sentenced to two months' rigorous imprisonment.

2. We think the conviction is bad, because his failure to resume his duty on the expiration of the leave, does not, in our opinion constitute an offence under the aforesaid section.

3. The conviction is therefore set aside.