

(1877) 12 CAL CK 0010

Calcutta High Court

Case No: None

In Re:
Bhoobuneshwar Dutt

Vs

APPELLANT

RESPONDENT

Date of Decision: Dec. 14, 1877

Acts Referred:

- Penal Code, 1860 (IPC) - Section 173

Citation: (1878) ILR (Cal) 621

Hon'ble Judges: Mitter, J; Markby, J

Bench: Division Bench

Judgement

Markby, J.

It appears to us that this conviction must be set aside. The charge against the petitioner was, that he had refused to give a receipt for a summons. This has been held by the High Court of Bombay in Reg v. Kalya bin Fakir 5 Bom. II. C. Rep. Cri. Cases 34 not to be an offence u/s 173 of the Indian Penal Code, which is the section under which this conviction has been made. We concur in that decision.

2. This conviction will, therefore, be set aside; and the fine, if paid, will be refunded. If the petitioner is in jail, he will be released.