

## State vs Gendan Lal Dwivedi on 25 June, 1951

**Equivalent citations: AIR1953ALL597, AIR 1953 ALLAHABAD 597**

ORDER

Agarwala, J.

1. The applicant was a sub-post master at Bhartana. He was prosecuted and convicted for offences under Sections 409, I. P. C. and 55, Indian Post Office Act and sentenced to four years' rigorous imprisonment and a fine of Rs. 5000/- under the former and to one year's rigorous imprisonment and a fine of Rs. 100/- under the latter section. He appealed and his appeal was dismissed. He filed an application in revision in this Court. That was also dismissed on 15-5-1950. On 7-2-1951 he made an application to this Court under Section 561A, Criminal P. C. without surrendering himself for all this time. This Court ordered the record of the case to be summoned and the matter is now before me for orders. The applicant is present in person. He has been out of jail for over a year without any authority. He says that he was ill but he has made no such allegation in his application. It is the settled practice of this Court that a petitioner who has been convicted should surrender himself before he makes an application in revision in this Court unless he is ill and is unable to go to jail and prays that he be released on bail. The petitioner without any order for bail, has been evading compliance of the order of sentence passed against him. In these circumstances, I am not prepared to hear him.

2. I reject this application and direct that he should surrender to the proper authorities forth with. This order will not debar him from making a fresh application under Section 561A.