

Calcutta High Court

Kufiluddin Sarkar vs Emperor on 23 August, 1918

Equivalent citations: 49 Ind Cas 862

Bench: Teunon, Cuming

JUDGMENT

1. In this case the petitioner before us has been required to find security for good behaviour under the provisions of Section 110, Criminal Procedure Code.

2. The Rule is issued on the ground that the appellate judgment of the District Magistrate did not enter sufficiently into the facts of the case. His judgment no doubt is short, but it is, we observe, one of affirmance or confirmation. Evidence was given that in at least five cases of fire the occurrences were preceded by threats from the accused. Evidence was also given of eight or more oases of extortion. In the judgment of the first Court the evidence is set out at great length, discussed in detail and the reasons for believing the prosecution evidence to be true fully explained. "When that has been done in the first Court in the judgment confirming the decision of the trial Court, it does not appear to us that any useful purpose is served by setting out again in detail the whole of that evidence and proceeding to give reasons for affirming the decision of the first Court in prolix detail. The judgment of the District Magistrate might possibly with advantage have been more detailed, but still it sufficiently indicates that he appreciated the points for his decision, that he had read and considered the evidence, and that he had appreciated the arguments advanced before him against the credibility of the prosecution witnesses and still believed them.

3. In support of the contention advanced at the hearing of this Rule stress has been laid upon the judgments to be found reported as Arindra Rajbanshi v. Emperor 38 Ind. Cas. 326 : 20 C.W.N. 1296 : at p. 1297, 1299 : 18 Cr.L.J. 294 and Jamait Mullick v. Emperor 35 C. 138 : 12 C.W.N. 131 : 6 Cr.L.J. 427. But those were cases in which in one case 13 and in the other 17 appellants were concerned, and the difficulty experienced by this Court in those oases mainly was that it had not been made clear that as against each- appellant the evidence of his complicity in the offence charged had been adequately considered. No such question arises in the present case in which only one appellant had to be dealt with.

4. For these reasons we discharge this Rule.