

PRIVY COUNCIL

Balmukund and others

Vs.

King-Emperor

(Viscount Haldane, CJ, Lords Dunedin, Atkinson, Sir George Farwell and Mr. Ameer Ali.JJ)

3.3.1915

JUDGMENT

Viscount Haldane CJ.

1. Their Lordships are unable to advise His Majesty to make any order on the petition for special leave to appeal at this stage.
2. With regard to staying execution of the sentence of death, their Lordships are unable to interfere. As they have often said, this Board is not a Court of Criminal Appeal. The tendering of advice to His Majesty as to the exercise of His Prerogative of pardon is a matter for the Executive Government, and is outside their Lordships' province. It is, of course, open to the petitioner's advisers to notify the Government of India that an appeal to this Board is pending. The Government of India will no doubt give due weight to the fact, and consider the circumstances. But their Lordships do not think it right to express any opinion as to whether the sentence ought to be suspended.
3. No order made.

Order accordingly.