

CALCUTTA HIGH COURT

Romesh Chandra Dutta Choudhury

Vs

Emperor

(Sharfuddin, C.J. Teunon, J.)

04.06.1914

JUDGMENT

Sharfuddin, C.J

1. In this case the petitioners were required to execute bonds with three sureties each in the sum of Rs. 1,000 to be of good behaviour for one year. They offered certain sureties and under the provisions of Section 122, Criminal Procedure Code, these sureties were rejected as being unfit persons. Thereupon the petitioners obtained from this Court the present Rule calling upon the District Magistrate of Dacca to show cause why the sureties offered should not be accepted. The learned District Magistrate has submitted a very fair explanation and after reviewing the evidence expressed his opinion that in the case of the petitioner Suresh Chandra Banerji three of the sureties offered, namely, Basanta Kumar Banerjee, Kali Kumar Banerji and Rash Mohun Banerji are fit persona to be accepted as sureties. In the case of Suresh Chandra Banerji we direct that the three persons above named be accepted.

2. In case of Romesh Chandra Dutta Chaudhuri, of the five persons offered he finds that No. 3, Khitish Chandra Dutta Chowdhuri, has been rejected on insufficient grounds. With regard to the 1st and 2nd he says that the 1st is the elder brother and the second the younger brother of the petitioner and that they themselves are looked upon with some suspicion. With regard to the 4th and 5th he says that they are residents of Mymensingh town, a place at a considerable distance from Bajitpur where the petitioner lives. Considering that three sureties are required we do not think it necessary that each one of the three should live in the immediate neighbourhood of the accused. With regard to Suresh Chandra Dutta Chowdhuri, the elder brother, it does not appear that the suspicions against him have been substantiated. We, therefore, direct that in the case of Romesh Chandra Dutta Chowdhuri the following three persons, Suresh Chandra Dutta Chowdhuri, Khitish Chandra Dutta Chowdhuri and Hemendra Mohun Dass, be accepted as sureties.

3. The Rule is made absolute in these terms.

