

CRIMINAL JUDGEMENTS
(CHIEF COURT, PUNJAB) PG. 35
Before Mr. Justice Gordon Walker.

THE CROWN-Versus-KALA SINGH and } REVISION EIDE
Karam Ilahi}

Case No. 48 of 1900

Obstructing public road - Section 141, Cantonment Code, 1899

In this case the accused were convicted of the offence of obstructing the public road under Section 141. Cantonment [Old Ed P.53] Code 1899, and sentenced to rigorous imprisonments for eight days. The Sessions Judge submitted the proceedings for revision to the Chief Court with the remark that the extreme sentence of 7 days' rigorous imprisonment for the very petty offence to which the accused pleaded guilty was excessive. The Chief Court remitted the unexpired part of the sentence.

Case reported by T.J Kennedy, Esquire, Sessions Judge, Rawalpindi Division, with his No. 24 of January 1900.

The facts of the case are as follows:-

The accused Kala Singh placed a small reed stand in the public street with a tray on it to sell sweetmeats, the accused Karam Ilahi sat in the street weaving silk into tassels. They were seen by the Chandhri and prosecuted under Section 141 Cantonment 1899 for causing obstruction to the free passage of the street.

The each accused, on conviction by Lieutenant F. S. Walker, Assistant Cantonment Magistrate, exercising the summary powers of a Magistrates of the 1st class in the Rawalpindi District was sentenced, by order dated 3rd January 1900, under Section 141 of the Cantonment Code, to eight days' rigorous imprisonment.

The proceedings are forwarded to revision on the following grounds:-

That the extreme sentence of 8 days' rigorous imprisonment for the very petty offence to which the accused pleaded guilty was excessive.

That they have been already sufficiently punished by rigorous imprisonment for 2 days and should be released.

NOTE - Pending order by the Chief Court I have ordered the release on their own recognizances in the sum of Rs. 10 each.

ORDER OF THE CHIEF COURT

GORDON WALKER, J-(25th January 1900) – The sentences are reduced
to the period of imprisonment already undergone.

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