

of conferring, and did confer, a good title by the deeds which they executed. In support of this view I would refer to what was said by the late learned Chief Justice Sir Arthur Strachey in the case of *Banke Lal v. Jagat Narain* (1), at page 174. His view is likewise entirely in accord with the principle of the decision of their Lordships of the Privy Council in the well-known case of *Nawab Zain-ul-Abdin Khan v. Muhammad Asghar Ali Khan* (2). I agree in the order proposed.

BY THE COURT.—The order of the Court is that the appeal is allowed, the decrees of the Courts below are set aside, and the plaintiff's suit is dismissed with costs in all Courts.

*Appeal decreed.*

## REVISIONAL CRIMINAL.

1902

May 17.

*Before Mr. Justice Blair.*

EMPEROR v. NABBU KHAN.\*

*Criminal Procedure Code, sections 110 et seqq.—Security for good behaviour—Power of Court to assign geographical limits within which the sureties required must reside.*

*Held* that a Court in ordering security for good behaviour to be given with sureties is competent to assign some geographical limits within which the sureties required must reside. *Queen-Empress v. Rahim Bakhs* (3) referred to.

THE facts of this case were briefly as follows:—

Security for good behaviour was demanded of two persons, Nabbu Khan and Mosul Singh, residents of Mirzapur. After the usual proceedings they were ordered to furnish their own bonds for Rs. 500 each, with two sureties in Rs. 1,000 each, to be of good behaviour for one year. It was further ordered that the sureties should be resident within the limits of the Mirzapur Municipality. Against this order Nabbu Khan and Mosul Singh appealed to the District Magistrate, who declined to interfere. They thereupon applied in revision to the High Court, where it was contended that the Joint Magistrate had no power to specify in his order the place where the sureties must reside.

\* Criminal Revision No. 268 of 1902.

(1) (1900) I. L. R., 22 All., 168. (2) (1887) L. R., 15 I. A., 12.  
(3) (1898) I. L. R., 20 All., 206.

1902

EMPEROR  
v.  
NABBU  
KHAN.

Mr. C. Dillon, for the applicants.

The Assistant Government Advocate (Mr. W. K. Porter),  
for the Crown.

BLAIR, J.—In this case the Magistrate in binding over a person to be of good behaviour under section 110 and other sections, in prescribing the class of sureties required, has limited them to residents in the Municipal borough of Mirzapur. Having regard to the ruling of the late Chief Justice Sir John Edge, reported in I. L. R., 20 All., 206, and several rulings of the Calcutta Court to which my attention has been called, I find myself unable to say that it is not in the power of the Court in ordering securities to be given to assign some geographical limit within which such sureties must reside. It is obvious that sureties from a remote spot would not be in a position to keep an eye on or exercise any control over a person bound over. I think, however, in this case for reasons put before me, that the narrowness of the limit might impose upon the person to be bound over an inability to find sureties at all, and he might therefore be sent to prison because such persons who might be willing to become his sureties live some short distance beyond the Municipal limits.

I therefore modify the order of the Magistrate by adding to the words "to the limits of Mirzapur Municipality" the words "or to some place in the immediate neighbourhood." Let the papers be returned.

## APPELLATE CIVIL.

*Before Mr. Justice Banerji and Mr. Justice Aikman.*

SITA RAM (DEFENDANT) v. CHINTAMAN (PLAINTIFF).\*

*Hindu law—Maharashtra School—Succession—Place of daughter  
in the list of heirs.*

*Held, that according to the Maharashtra school of Hindu law the daughter is a preferential heir to the widow of a predeceased brother's son, or to the adopted son of such widow, where no authority for the adoption has been given by the deceased husband of the adopter. Nihalchand Harakchand v. Hemchand (1) referred to.*

\* Second Appeal No. 43 of 1900 from a decree of R. Greaven Esq., District Judge of Benares, dated the 31st August 1899, reversing a decree of Kunwar Mohan Lal, Subordinate Judge of Benares, dated the 17th January 1899.

1902  
May 27.