

Emperor Vs. Shankar Ramdas

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Court : Mumbai

Decided On : Aug-26-1915

Reported in : (1915)17BOMLR890

Judge : Batchelor and ;Hayward, JJ.

Appeal No. : Criminal Appeal No. 361 of 1915

Appellant : Emperor

Respondent : Shankar Ramdas

Judgement :

1. This is an appeal from a judgment of the learned Chief Presidency Magistrate who convicted the accused Shankar Ram das under Section 451 of the Indian Penal Code and, the accused having admitted certain previous convictions, passed a sentence of eighteen months' rigorous imprisonment.

2. We were compelled to call for the record and proceedings as the learned Magistrate's judgment did not disclose to us any reasons why the evidence for the prosecution was accepted as sufficient. While we certainly have no wish to impose upon the Presidency Magistrate any further burden than is imposed by the express terms of the Criminal Procedure Code, we think his attention should be drawn to the requirements of Clause (i) of Section 370 of the Code and to the decision in Natabar Ghose v. Provash Chandra Chatterjee I.L.R. (1900) Cal. 461 with which we agree. In the present case the learned Presidency Magistrate has written only:

'I convict the accused. I believe the evidence of the complainant and the witnesses for the prosecution.' That belief, however, is necessarily implied in the fact that the learned Magistrate convicted the accused. And in our opinion Clause (i) of Section 370 requires that there should be a statement of the reasons which induced the learned Magistrate to believe the evidence for the prosecution.

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