

Emperor Vs. Vyankatsing Sambhusing

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SooperKanoon Citation : sooperkanoon.com/340835

Court : Mumbai

Decided On : Aug-14-1907

Reported in : (1907)9BOMLR1057

Judge : Chandavarkar and ;Heaton, JJ.

Appeal No. : Criminal Reference No. 27 of 1907

Appellant : Emperor

Respondent : Vyankatsing Sambhusing

Judgement :

ORDER

1. Assuming without deciding that this reference lies, having regard to Clause 3 of Section 269 of the Code of Criminal Procedure, the Court thinks that the case should be sent back to the Judge who tried it, with a direction that he should pass orders and dispose of it as in a case tried by him with the aid of assessors on the minor charges against the accused under Section 325 of the Indian Penal Code. This is the course suggested by accused's counsel and agreed to by the Government Pleader. The Court is not satisfied with the reasons given by the Sessions Judge that the charge was really a single one, because as a fact there were two distinct charges to each of which the accused were called on to plead and that brings the case clearly within the provisions of Clause 3 of Section 269, Criminal Procedure Code.

