

Emperor Vs. Budhan

Emperor Vs. Budhan

SooperKanoon Citation : sooperkanoon.com/448372

Court : Allahabad

Decided On : Jul-12-1906

Reported in : (1907)ILR29All24

Judge : Banerji and ;Aikman, JJ.

Appellant : Emperor

Respondent : Budhan

Judgement :

Banerji and Aikman, JJ.

1. After examining the record and perusing the referring order of the learned Sessions Judge, we find no ground for quashing the commitment. The learned Sessions Judge has overlooked the fact that the ruling of this Court in Queen-Empress v. Sudra (1891) I.L.R., 14 All., 336, on which he relies, was expressly dissented from in the case of Queen-Empress v. Brij Narain Man (1898) I.L.R., 20 All., 529. In the particular case under consideration, Budhan was an accused person from the very first. All the evidence for the prosecution was taken in his presence and he had an opportunity of cross-examining the witnesses. When that evidence had been recorded, the Magistrate, for the reasons set forth in his order of the 10th of April 1906, deemed it necessary to offer a pardon to, Budhan on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence under inquiry. Budhan accepted that

pardon, but immediately afterwards refused to make a statement, saying that he knew nothing. The Magistrate accordingly revoked the pardon and proceeded with the inquiry; with the result that the accused, including Budhan, were committed to the Court of Session. In our opinion there was no illegality in the Magistrate's procedure. The learned Judge will go on with the trial.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com