

Emperor Vs. Madho Singh

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Court : Allahabad

Decided On : Jan-07-1925

Reported in : AIR1925All318a

Appellant : Emperor

Respondent : Madho Singh

Judgement :

Piggott, J.

1. The real question raised by this reference is whether this Court will interfere in revision with an order of acquittal passed by a Magistrate of competent jurisdiction, on a prosecution for an [alleged offence under Section 225 B of the Indian Penal Code, irregularly instituted on a report sent in by the Munsif of Fatehabad which was treated as a complaint. This question I answer in the negative; the Magistrate was substantially right in his view of the law and is to be congratulated on his handling of the case. The learned Sessions Judge has referred the matter to this Court in order to obtain a ruling on two questions of law. I would not encourage the submission of references with this object in view when the sessions Court does not really dissent from the actual decision arrived at. In this instance, however, I am prepared to answer the questions as stated in the referring order. To the first question the answer is that the 'servant of the Court' should file a complaint in the ordinary way. To both parts of the second question the answer is 'no.' Let the

record be returned.

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