

Queen Vs. Gur Baksh and ors.

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1875)ILR1All193

Judge : Pearson, J.

Appellant : Queen

Respondent : Gur Baksh and ors.

Judgement :

Pearson, J.

1. Section 471 of the Code does not expressly prohibit the procedure adopted by the Magistrate in this case, and unless it does so, it is not contended that he was not competent to adopt it. What that section does is only to authorize any Court, Civil or Criminal, which is of opinion that there is sufficient ground for inquiring into any charge such as one under Section 193, Indian Penal Code, after making necessary preliminary inquiry, either to commit the case itself, or to send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged. This provision is very necessary for a Court not having power to try the offence itself, as for instance a Civil Court, but does not necessarily deprive a Magistrate of any power which he may possess to try the case himself. I therefore decline to interfere in the present case and reject this petition.

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