

Basanti Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/448831

Court : Allahabad

Decided On : May-23-1923

Reported in : AIR1925All245

Appellant : Basanti

Respondent : Emperor

Judgement :

Daniels, J.

1. This is a reference by the learned Sessions Judge of Saharanpur asking that the order of the Magistrate in a proceeding under Section 247 of the U.P. Municipalities Act be set aside and a fresh enquiry ordered on the ground that the Magistrate did not comply with the provisions of Section 350, Cr.P.C. The enquiry was commenced by one Magistrate and concluded by another. The accused asked to have the witnesses re summoned before the Second Magistrate as he was entitled to do, but this was not done. I agree with the learned Sessions Judge that the provisions of Section 350 apply to an enquiry under Section 247 of the Municipalities Act. I accordingly accept the reference, set aside the Magistrate's order, and direct that the case be re-heard.