

Queen-empress Vs. Nannhu

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SooperKanoon Citation : sooperkanoon.com/449249

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1895)ILR17All241

Judge : John Edge, Kt., C.J.,; Banerji,; Aikman, JJ.

Appellant : Queen-empress

Respondent : Nannhu

Judgement :

John Edge, Kt., C.J., Banerji and Aikman, JJ.

1. This is an application to this Court to exercise its functions in criminal revision. The applicant was convicted of the offence punishable under Section 411 of the Indian Penal Code. The evidence appears to have been conclusive that he was guilty of the offence of which he stood charged. He appealed against the conviction to the Sessions-Judge; and the Sessions Judge rejected the appeal, this being the order-made: 'Rejected summarily under Section 421, C.P.C.' By Section 421, C.P.C. the Sessions Judge meant Section 421 of the Code of Criminal Procedure, 1882.

2. There is absolutely no doubt that the appeal could not have succeeded. The man was properly convicted and sentenced.

3. The only question is one which is raised in the Court now and then, viz., whether an order such as that made by the Sessions Judge is sufficient. It is quite plain from the last paragraph of Section 421 of the Code of Criminal Procedure, 1882, that the Appellate Court is not bound before rejecting under that section a criminal appeal to send (or the record. Without deciding that when a Court acts under the first paragraph of Section 421 of the Code of Criminal Procedure, 1882 it is necessary for the Court to express its views of the case, beyond stating that it considers that there is no sufficient ground for interfering, we think it. advisable for Courts of Session and Magistrates when acting as Appellate Courts to state shortly in their order the reason or reasons which influence them in coming to the conclusion that there is no sufficient ground for interfering: in the case. We do not say that it is necessary to write a judgment in the form prescribed by Section 367 of the Code of Criminal Procedure, 1882, or, anything like it. We only say that we think it is advisable for those Courts, whose orders may be challenged by application in revision to record something which may be a guide for the Court acting in revision.

4. We dismiss this application.