

Emperor Vs. Ram Chandra

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Court : Allahabad

Decided On : Dec-11-1914

Reported in : (1915)ILR37All127

Judge : Goerge Knox, J.

Appellant : Emperor

Respondent : Ram Chandra

Judgement :

Goerge Knox, J.

1. The learned Judge in making this reference appears to have overlooked the provisions of Clause (7) of Section 845 of the Code of Criminal Procedure. This forbids the composition of an offence being accepted except as provided by Section 345.

2. Section 345 specially allows a case in which an appeal is pending to be opened to composition with the leave of the court before which the appeal is to be heard, but in it there is no mention of cases which come up on revision, and similarly there is no provision made in Section 439 of the Coda as to applying the powers granted in Section 345 to cases in revision. The recommendation of the Judge, therefore, cannot be accepted. The accused person must submit to arrest and complete the sentence imposed upon him when he was convicted.

3. Let the record be returned.

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