

Kameshwar Dutt Misra Vs. Rex.

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Court : Allahabad

Decided On : Feb-17-1949

Reported in : 1949CriLJ894

Judge : Malik, C.J. and; Bhargava, J.

Appellant : Kameshwar Dutt Misra

Respondent : Rex.

Judgement :

Malik, C.J.

1. We have heard learned Counsel for be to parties. It is not necessary to treat this as a criminal revision and give any decision on the point. The learned Magistrate had convicted certain accused. The learned Sessions Judge allowed the appeal, In his judgment the learned Sessions Judge made the following remarks about the trying Magistrate

It leaves a bad impression upon my mind, on going, through the evidence and the circumstances of the case, about the capacity of the Honorary Magistrate. He appears to be at pains to record a finding of guilty against the appellant.

It is desirable that superior Courts, when deliver, ing judgment, should always use restrained language about inferior Courts so that confidence of the public in the administration of justice might not be shaken. After these remarks so publicly

made the learned Magistrate could not inspire any confidence in the minds of the litigant public. If the learned Sessions Judge was of the opinion that the Magistrate was unfit he could have written a separate note and sent it to the authorities concerned. We cannot too strongly deprecate the use of such intemperate language in any judgment which is a public pronouncement and is available to the public at large.

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