

Chauthi Singh Vs. Emperor

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Court : Allahabad

Decided On : Aug-01-1937

Reported in : AIR1937All768

Appellant : Chauthi Singh

Respondent : Emperor

Judgement :

ORDER

Niamatullah, J.

1. In view of the compromise no orders are necessary. I however note that the District Magistrate is perfectly right in holding that the Medical Officer was bound to reply to all relevant questions put to him. He did not probably realise that refusal to answer questions allowed by the Court is contempt of Court liable to be punished. In this case the Magistrate allowed himself to be weighed down by the Government notification on which the Medical Officer took his stand and did not apply his mind to the more important question, viz. whether the fact sought to be elicited in cross-examination was relevant. Medical Officers, like other persons, are bound to attend Court on receipt of summons and to give evidence if required by the Court. They cannot refuse to give evidence for reasons which they may consider to be sufficient, but they should represent to the Court as regards fees payable to them. Any dictation of terms on which they would give evidence is

unnecessary and should be avoided. With these remarks I direct the record to be returned.

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