

Queen-empress Vs. Ram Narain and anr.

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SooperKanoon Citation : sooperkanoon.com/459964

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1886)ILR8All514

Judge : Brodhurst, J.

Appellant : Queen-empress

Respondent : Ram Narain and anr.

Judgement :

Brodhurst, J.

1. In this case Ram Narain and Ganeshi were convicted by the Joint Magistrate of Cawnpore under Section 342 of the Indian Penal Code, and were sentenced to pay fines of Rs. 200 and Rs. 100 respectively, or, in default of payment, to be rigorously imprisoned for three months. From these convictions and sentences, Ram Narain and Ganeshi each preferred an appeal. The Sessions Judge rejected the appeals summarily, his order, in each instance, consisting merely of the two words 'appeal rejected.'

2. Ram Narain and Ganeshi have now applied to this Court for revision of the orders of the lower Courts, and the 5th and last ground taken by them is 'because the learned Sessions Judge was wrong in rejecting the appeal summarily without assigning his reasons for so doing.'

3. This objection, if taken within a reasonable time, would, in my opinion, have been valid. The law, I consider, requires that a Lower Appellate Court in disposing of an appeal, and even in summarily rejecting an appeal under the provisions of Section 421 of the Criminal Procedure Code, should give reasons for so doing; and, so far as I am aware, no Criminal Appellate Court of these Provinces, other than that the proceedings of which are now objected to, is addicted to disposing of any appeal without giving reasons for doing so. It is laid down in Section 367, Chapter XXVI of the Criminal Procedure Code, that the judgment of a Criminal Court of original jurisdiction 'shall contain the point or points for determination, the decision thereon, and the reasons for the decision;' and by Section 424 of the same Code--a section in the same chapter with Section 421, and only three sections after it--it is enacted that 'the rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court.' The powers conferred by Section 421 of the Code should, I consider, be exercised sparingly and with great caution, and reasons, however concise, should be given for rejecting an appeal under that section.

4. Under the circumstances stated above, I should have reversed the orders of the Sessions Judge, and should have directed him to re-hear the appeals and dispose of them in accordance with law, had I not found that the application for revision was made with very great delay, that is, after the expiration of nearly nine months from the date of the Lower Appellate Court's orders. On this ground, and also because I think that valid reasons might have been given for dismissing or rejecting the appeals, I decline to interfere in this revision case and reject the application.