

**Sardar Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/462629](http://sooperkanoon.com/462629)

**Court :** Allahabad

**Decided On :** Feb-07-1934

**Reported in :** AIR1934All693

**Appellant :** Sardar

**Respondent :** Emperor

**Judgement :**

**Thom, J.**

1. The applicant has been convicted under Section 20, Treasure Trove Act, 1878, and sentenced to six months' rigorous imprisonment. It appears that the Sub-Divisional Magistrate took cognizance of the case against the accused and then proceeded to try it himself without having in accordance with the terms of Section 191, Criminal P.C., informed the applicant that he was entitled to have the case tried by another Court. This omission on the part of the Sub-Divisional Magistrate is clearly an irregularity which vitiates the trial. In the result the conviction and sentence of the accused are set aside and as he is on bail he need not surrender to his bail.