

Desraj Singh Vs. Emperor

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Court : Allahabad

Decided On : Aug-05-1919

Reported in : AIR1919All174; 52Ind.Cas.672

Judge : Wallach, J.

Appellant : Desraj Singh

Respondent : Emperor

Judgement :

Wallach, J.

1. The applicant, Desraj, had been discharged by a Magistrate of the First Class in an enquiry under Section 110 of the Code of Criminal Procedure. The District Magistrate of Mainpuri ordered a further enquiry under Section 437. Against that order Desraj has applied in revision to this Court. In Khargav. Emperor 22 Ind. Cas. 183 : 12 A.L.J. 167 : 15 Cr. L.J. 39 : 36 A.147 a Divisional Bench of this Court has held that a District Magistrate has jurisdiction to direct further enquiry in a case where a person has been discharged in an enquiry under Section 110 of the Code of Criminal Procedure. I am bound by that ruling and, therefore, have to hold that the District Magistrate had jurisdiction to pass the order which is attacked in this revision. The only question that remains is whether he was justified, in the exercise of his jurisdiction, in ordering a further enquiry. I am not prepared to tie the Magistrate's hands, and to hold that he was not justified in passing the order

and, therefore, reject this application.

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