

Ram Chandra Vs. Emperor

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Court : Allahabad

Decided On : Dec-11-1914

Reported in : AIR1915All8; 28Ind.Cas.103

Judge : George Knox, J.

Appellant : Ram Chandra

Respondent : Emperor

Judgement :

George Knox, J.

1. The learned Judge in making this reference appears to have overlooked the provisions of Clause 7 of Section 345 of the Code of Criminal Procedure. This forbids the composition of an offence being accepted, except as provided by Section 345

2. Section 345 specially allows a case in which an appeal is pending to be opened to composition with the leave of the Court before which the appeal is to be heard, but init there is no mention of cases which come up in revision and similarly there is no provision made in Section 439 of the Code as to applying the powers granted in Section 345 to cases in revision. The recommendation of the Judge, therefore, must submit to arrest and complete the sentence imposed upon him when he was convicted.

3. Let the record be returned.

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