

Emperor Vs. Goda Ram

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SooperKanoon Citation : sooperkanoon.com/470189

Court : Allahabad

Decided On : Jul-11-1917

Reported in : AIR1918All296(1); 43Ind.Cas.800

Judge : George Knox, C.J.

Appellant : Emperor

Respondent : Goda Ram

Judgement :

George Knox, C.J.

1. Goda Ram has been committed to the Court of Session for trial on a charge under Sections 309, 307, or 324 of the Indian Penal Code. The learned Sessions Judge says in his order of reference that there is no evidence to support, the charge of attempting to murder, and he, therefore, recommends that the order of commitment be set aside. There is evidence on the record which supports the charge under Section 324 and that offence is triable by a Court of Session. Commitments can be quashed only on a point of law; vide Section 215, Criminal Procedure Code, The commitment, as pointed out by Mr. Justice Heaton in the case of Emperor v. Suleman Ibrahim Nakhuda 10 Ind. Cas. 802 : 13 Bom. L.R. 201 : 12 Cr. L.J. 256, may be convenient or may be indiscreet, but the High Court is concerned only with the question of legality. The order of commitment will, therefore, stand. With this answer the record will be sent back to the lower Court.

