

Jiwan Vs. Emperor

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Court : Allahabad

Decided On : Jun-23-1921

Reported in : AIR1921All206; 67Ind.Cas.505

Judge : Lindsay, J.

Appellant : Jiwan

Respondent : Emperor

Judgement :

Lindsay, J.

1. This is an application in revision on behalf of one Jiwan who has been convicted in the Court of the Magistrate on a charge under Section 411. It appears that two other persons were tried along with Jiwan, one of whom was acquitted the other being convicted. The latter has not made any application to this Court.

2. Jiwan's conviction was upheld by the learned Sessions Judge in spite of the plea taken before him that the trial was illegal. There can be no doubt as to the illegality of the trial and I cannot agree with the Judge who seems to have taken the view that an illegality of this kind can be cured by the application of Section 537 of the Criminal Procedure Code. I must give effect, therefore, to this application and set aside all the proceedings in the Court below.

3. The result is that the accused will be released.

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