

**Rammu Vs. Emperor**

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**Court :** Allahabad

**Decided On :** Mar-23-1926

**Reported in :** 94Ind.Cas.911

**Judge :** Daniels, J.

**Appellant :** Rammu

**Respondent :** Emperor

**Judgement :**

**Daniels, J.**

1. I think it would be absurd to re-open a petty case in which the accused has been fined Rs. 20 and in which it is not even suggested that he has been in any way prejudiced merely because some prosecution witnesses were examined after the accused's statement was taken. The Court appears to have examined two witnesses for the prosecution, then taken the statement of the accused and then framed a charge. This is what appears from the order-sheet, though it is pointed out that in the heading of the witnesses' evidence which is not written by the Court but in the hand-writing of a clerk the date of the second witness is given as 14th. The accused made a full statement of this case. On the charge being framed he did not desire to re-call any of the prosecution witnesses. A further prosecution witness appears to have been called on a subsequent date. I adhere to the view taken by this Court in *Bechu Chaube v. Emperor* 71 Ind. Cas. 115 : 45 A. 124 : 20

A.L.J. 874 : A.I.R. 1923 All. 81 : 24 Cr.L.J. 67 and by me in several subsequent cases as well as by the Patna and Rangoon High Courts in Mohiuddin v. Emperor 86 Ind. Cas. 459 : 4 Pat. 488 : 6 P.L.T. 154 : (1925) Pat. 112 : A.I.R. 1925 Pat. 414 : 3 Pat. L.R. 110 Cr. : 26 Cr.L.J. 811 and Nga Hla U v. Emperor 89 Ind. Cas. 312 : 3 R. 139 : A.I.R. 1925 Rang. 258 : 26 Cr.L.J. 1336 respectively that an omission to comply fully with the provisions of Section 342 does not vitiate the trial unless the accused has been prejudiced. As there has been no prejudice in this case I reject the application.

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