

Jagrup Vs. Emperor

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Court : Allahabad

Decided On : Dec-14-1920

Reported in : 61Ind.Cas.656

Judge : Ryves, J.

Appellant : Jagrup

Respondent : Emperor

Judgement :

Ryves, J.

1. This is an application by Jagrup for the transfer of his appeal from the Court of the Sessions Judge of Allahabad to some other Sessions Judge. It appears that three persons were implicated in a robbery. One of them, Sattar was committed to Sessions Judge and a Jury and acquitted. The second, Mewa Lal WAS tried by a Magistrate of the First Class and convicted. He appealed and his appeal was heard by the learned Sessions Judge of Allahabad and dismissed. At that time Jagrup was absconding, or at any rate could not be found. He surrendered and was put on his trial before the same First Class Magistrate who had convicted Mewa Lal. For some reason which I do not quite understand, that Magistrate suggested that some other Magistrate should try the case. At any rate, he was tried by another Magistrate of the First Class and convicted and he has appealed to the learned Sessions Judge, The only ground on which he asks for this transfer

is that the learned Sessions Judge in the case of Mewa Lal has believed the evidence for the prosecution, and I suppose the insinuation is, that he can not now be expected to try this appeal with that impartiality which should always characterise the decision of a criminal case. The learned Sessions Judge points out that in principle it would be extremely inconvenient to lay down as a rule that a Court which has tried, say, three or four, persons charged in a dacoity should be debarred from trying other persons who are subsequently arrested for the same dacoity. The transfer from one Sessions Court to another, means usually of necessity witnesses having to go from one district to another. In my opinion there is in principle no ground whatever for this transfer, and I have not the slightest hesitation in thinking that the present Sessions Judge of Allahabad will try this appeal on the evidence which is on this record and will come to his conclusion on that evidence as it stands. I reject the application.

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