

Malan Vs. the Queen

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Court : Chennai

Decided On : Feb-08-1882

Reported in : (1882)ILR5Mad11

Judge : Innes and ;Kernan, JJ.

Appellant : Malan

Respondent : The Queen

Judgement :

Innes and Kernan, JJ.

1. The Sessions Judge, in answer to Proceedings of this Court, No. 36, dated 16th January 1882, reports that he did not fix a time as directed by Section 278, and that the prisoner was in jail.
2. It is to meet such a case that the agent of the party is entitled to appear and that a day should be fixed.
3. The Judge says that a general notice is posted in his Court stating that appeals will be heard for admission only on the first Court day next after presentation. This practice is not a compliance with the Act.
4. There is no presumption that the lowest class of people who cannot read know of this practice. A time is by law required to be fixed in each case.

5. The order passed is set aside. The Sessions Judge is directed to fix a time and to rehear the appeal.

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