

In Re: Hari Singh

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Court : Chennai

Decided On : Mar-31-1933

Reported in : 145Ind.Cas.379; (1933)65MLJ478

Appellant : In Re: Hari Singh

Judgement :

ORDER

Burn, J.

1. The sole ground on which this petition was admitted was that statements recorded by the Police under Section 162, Criminal Procedure Code, had been used by the Lower Courts as substantive evidence. But the Police when investigating a case under the preventive sections of the Criminal Procedure Code are not acting under Section 162, Criminal Procedure Code. Moreover the inquiry before the learned Joint Magistrate under Chapter VIII of the Criminal Procedure Code was not an inquiry into an 'offence' and therefore Section 162, Criminal Procedure Code, cannot be used to shut out statements given to the Police by persons who are afterwards called as witnesses. This point therefore fails. On the merits I will only say that the evidence, in so far as it has been accepted by the learned Joint Magistrate and the learned Sessions Judge, was quite sufficient to support the finding that the petitioner was a person to whom Section 110(f), Criminal Procedure Code, was properly applicable. I decline to interfere in revision.

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