

In Re: Bheema

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SooperKanoon Citation : sooperkanoon.com/777830

Court : Chennai

Decided On : Oct-26-1906

Reported in : (1906)16MLJ525

Appellant : In Re: Bheema

Judgement :

ORDER

1. There is no appeal by the 2nd accused, but we observe that the Sessions Judge is wrong in stating that that accused was not liable by him on a charge of theft in a building.
2. That offence, it is true, is not triable exclusively by a Court of Session, but there is nothing to prevent a Sessions Court from trying a person accused of such an offence and duly committed to it for trial.
3. In this case the committal was duly made by a competent Magistrate, and such committal can be set aside only by the High Court under Section 215 of the Criminal Procedure Code. The Sessions Judge had no power to set it aside and direct the Magistrate to try the case himself.
4. We, therefore, set aside the order of the Sessions Judge in regard to the 2nd accused Bheema, and we set aside all proceedings taken in pursuance of that order and direct the Sessions Judge to restore the case to his file, as against this accused and to deal with it according to law.

