

Queen-empress Vs. Virasami

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Court : Chennai

Decided On : Aug-03-1896

Reported in : (1896)ILR19Mad375

Judge : Arhur J.H. Collins, C.J. and ;Benson, J.

Appellant : Queen-empress

Respondent : Virasami

Judgement :

10. The further evidence now recorded makes it certain that the finding of the Sessions Judge that Appi Reddi was never taken to Prattipadu is correct. It follows that the three statements specified in the charge are false and that the appellant was rightly convicted. We agree with the Sessions Judge that a police officer who gives false evidence in a dacoity case deserves exemplary punishment. We confirm the conviction and sentence and dismiss the appeal.

11. Ordered accordingly.

[1]

[Section 33: Evidence given by a witness in a judicial proceeding, or before any person

authorised by law to take it, is relevant for the purpose of proving,

Evidence in a former in a subsequent judicial proceeding, or in a later stage of the same

judicial proceeding when judicial proceeding, the truth of the facts which it states, when

relevant. the witness is dead or cannot be found, or is incapable of giving

evidence, or is kept out of the way by the adverse party, or if

his presence cannot be obtained without an amount of delay or expense which, under the

circumstances of the case, the Court considers unreasonable : Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-

examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.--A criminal trial or enquiry shall be deemed to be a proceeding between

the prosecutor and the accused within the meaning of this section.]

[2]

[503: Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency-Magistrate, a District

When attendance of Magistrate, a Court of Session or the High Court that the

witness may be dispensed examination of a witness is necessary for the ends of justice, and

with. that the attendance of such witness cannot be procured without

an amount of delay, expense or inconvenience which, under the

circumstances of the case, would be unreasonable, such Magistrate or Court may dispense

with such attendance and may issue a Commission to any District Magistrate or

Magistrate of the first class, within the local limit of whose

Issue of Commission, jurisdiction such witness resides, to take the evidence of such

and procedure there-under. Witness.

When the witness resides in the dominions of any Prince or State in alliance with, Her

Majesty in which there is an officer representing the British Indian Government, the Comm-

ission may be issued to such officer.

The Magistrate or officer to whom the Commission is issued, or, if he is the District

Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall

proceed to the place where the witness is or shall summon the witness before him, and shall

take down his evidence in the same manner, and may for this purpose exercise the same powers,

as in trials of warrant cases under this Code.]

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