

Queen-empress Vs. Bartlett

Queen-empress Vs. Bartlett

SooperKanoon Citation : sooperkanoon.com/792805

Court : Chennai

Decided On : Aug-30-1892

Reported in : (1893)ILR16Mad308

Judge : Arthur J.H. Collins, Kt., C.J. and ;Wilkinson, J.

Appellant : Queen-empress

Respondent : Bartlett

Judgement :

1. We are unable to accept the view of the District Magistrate as to the interpretation of Section 454, Criminal Procedure Code, which must, we think, be read along with Section 443. The Second-Class Magistrate was disqualified to try the accused solely because the accused was a European British subject. When the accused appeared before the Magistrate he relinquished his right to be dealt with as such British subject and therefore lost all the benefit of the special procedure laid down in chapter XXXIII. This is the view taken of the law by both the Calcutta and Bombay High Courts, and we think it is the proper construction to be put upon Sections 443 and 454.

2. We decline to interfere.