

Sadayan Chetti and ors. Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/808700

Court : Chennai

Decided On : Dec-13-1929

Reported in : AIR1930Mad632

Appellant : Sadayan Chetti and ors.

Respondent : Emperor

Judgement :

ORDER

Jackson, J.

1. A Magistrate has a large discretion under Section 257, Criminal P.C. and if Lakshmayya v. Emperor : AIR1927 Mad129 goes so far as to hold that once a Magistrate has summoned witnesses under Section 257, he is bound to compel their attendance although he is satisfied that it is unnecessary for the purposes of justice, I respectfully disagree.

2. However, in the present case the accused clearly explained that they wanted an adjournment because their vakil was ill, and as the witnesses were subsequently present there is no apparent reason for not letting them be cross-examined. The sentence is cancelled and the case ordered to be taken up as from when the cross-examination was refused. Fines will be refunded.

