

In Re: Ramaswami and anr.

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Court : Chennai

Decided On : Sep-27-1926

Reported in : 100Ind.Cas.991

Judge : Jackson, J.

Appellant : In Re: Ramaswami and anr.

Judgement :

ORDER

Jackson, J.

1. Two points are raised in this petition.

2. The Magistrate has not complied with Section 342 of the Criminal Procedure Code, 1898, by questioning the accused generally on, the case after the witnesses for the prosecution were examined; he should have put specific questions. This is not laid down in Section 342 and has not been the practice in this Province so far as I am aware. Apparently another practice prevails in Patna: see in *Duraga Ram v. Emperor* 86 Ind. Cas. 156 : 6 P.L.T. 33 : A.I.R. 1925 Pat. 342 : 26 Cri. L.J. 716 and possibly in Calcutta, see *Emperor v. Alimaddin Naskar* : AIR1925 Cal361 . Considering that the general questioning is followed by the specific charge, accused does not seem to be prejudiced by the Magistrate not discussing the case with him in specific detail before the charge; and there seems to be no practical objection to the Madras practice nor is it illegal.

3. Accused had no motive to compel the complainant to endorse the pro-note. Accused can hardly have anticipated that complainant would admit payments not endorsed in writing, so the motive is plain. Nor would this Court interfere in revision on a mere question of motive which is at best guess-work. It is not understood why the accused was first sentenced to and then after the event relieved from imprisonment till the rising of the Court. It seems to be a solemn farce. The petition is dismissed.

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