

**In Re: Shumsher Khan**

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**SooperKanoon Citation :** [sooperkanoon.com/852445](http://sooperkanoon.com/852445)

**Court :** Kolkata

**Decided On :** Feb-07-1881

**Reported in :** (1881)ILR6Cal624

**Judge :** Cunningham and ;Prinsep, JJ.

**Appellant :** In Re: Shumsher Khan;The Empress

**Respondent :** ;shumsher Khan

**Judgement :**

**Cunningham, J.**

1. We think that the appeal must be dismissed, on the ground that there is no sufficient reason shown for calling in question the deliberate conclusion at which the Magistrate has arrived.
2. With regard to the point that the sentence required the confirmation of the Sessions Judge, we think that the words of Section 36 of the Code of Criminal Procedure must be construed to refer to cases in which the sentence of imprisonment is a sentence of upwards of three years, and to leave aside any sentence the Magistrate may pass as to fine or whipping.
3. We, therefore, think that it is unnecessary for the sentence in this case to be confirmed by the Sessions Judge.

4. The appeal is dismissed.

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