

The Empress Vs. Joy Hari Kor

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SooperKanoon Citation : sooperkanoon.com/852827

Court : Kolkata

Decided On : May-03-1877

Reported in : (1877)ILR2Cal356

Judge : Markby and ;Prinsep, JJ.

Appellant : The Empress

Respondent : Joy Hari Kor

Judgement :

Markby, J.

1. We think that we ought not to make the order asked for, because, even if the case were transferred to the Magistrate to Dacca, we do not think he would have power to release the lunatic upon taking security. The authority of the Magistrate appears to us to cease when the lunatic is handed over to the care of the local Government, and it does not revive until the prisoner is sent back to the Magistrate under Section 432 on a certificate that he is capable of making his defence. The Deputy Commissioner can, if he thinks proper, bring the matter to the Government.