

**Salt Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/852857](http://sooperkanoon.com/852857)

**Court :** Kolkata

**Decided On :** Jan-21-1909

**Reported in :** (1909)ILR36Cal560,2Ind.Cas.591

**Judge :** Holmwood and ;Ryves, J.

**Appellant :** Salt

**Respondent :** Emperor

**Judgement :**

**Holmwood and Ryves, JJ.**

1. We are of opinion that the best way of dealing with this Rule will be to direct that the learned Sessions Judge who heard the appeal should reconsider it after re-hearing counsel and examining Mr. Hard-less as a witness. At the same time, as the petitioner has taken the ground that the statements before the police, whether contained in a special diary or in a diary under Section 161 of the Criminal Procedure Code, of Tilak Chand Borad and of Tilak Chand, were sent for but no order was passed stating that the Court did not think it expedient in the interests of justice to furnish him with a copy, we think that the learned Sessions Judge should himself send for and consider the statements of these two witnesses and, if he finds that there is anything in them upon which the petitioner would be advantaged by being allowed to cross-examine thereon, he should also resummon those witnesses and submit them for cross-examination after supplying copies of their

statements to the petitioner.

2. We, therefore, make the Rule absolute in these terms, and remit the case to the same learned Sessions Judge of Alipore for re-hearing the appeal.

3. The petitioner will remain on the same bail.

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