

Emperor Vs. Arjan Pramanik

Emperor Vs. Arjan Pramanik

SooperKanoon Citation : sooperkanoon.com/854137

Court : Kolkata

Decided On : Apr-27-1904

Reported in : (1904)ILR31Cal664

Judge : Pratt and; Handley, JJ.

Appellant : Emperor

Respondent : Arjan Pramanik

Judgement :

Pratt and Handley, JJ.

1. This is an appeal by the Local Government against an order of the Deputy Magistrate of Pubna dated the 3rd November last, acquitting Arjan Pramanik and Nirjan Pramanik. The Deputy Magistrate, without considering the case on its merits, acquitted the accused on the ground that there was no sanction as required by law.

2. In the first place we may observe that the charges under Sections 352 and 353 are not such as require any sanction and as regards the charge under Section 183 it is clear on the proceedings of the Munsiff, who initiated the prosecution, that he was expressly acting under Section 476 of the Code of Criminal Procedure. Therefore it was incumbent upon the Deputy Magistrate under Clause (2) of that section to proceed with the case according to law as if upon a complaint made and

recorded under Section 200.

3. We accordingly set aside the order of acquittal in question and send the case back to the Deputy Magistrate to be disposed of upon the merits.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com