

Bradley Vs. Jameson

Bradley Vs. Jameson

SooperKanoon Citation : sooperkanoon.com/856460

Court : Kolkata

Decided On : Mar-06-1882

Reported in : (1882)ILR8Cal580

Judge : Cunningham and ;Tottenham, JJ.

Appellant : Bradley

Respondent : Jameson

Judgement :

Cunningham, J.

1. We think that the Magistrate, having, on the 25th August 1881, set aside his order of June 7th, 1881, and struck the case off the file, had no power to revive it (without a fresh proceeding) by his order of 6th September, and that he had no power, under Section 518 of the Criminal Procedure Code, to pass a perpetual injunction: see Gopi Mohun Mullick v. Taramoni Chowdrani I.L.R. 5 Cal. 7. Orders under Section 518 not being judicial proceedings, we have no power to deal with the present case under Section 297; but we infer from the judgment in In the matter of the Petition of Chunder Nath Sen I.L.R., 2 Cal., 293, that the order being, in our opinion, illegal, we can deal with it under the Charter. We, therefore, set it aside.

