

Bhiku Hossein Vs. Emperor

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Court : Kolkata

Decided On : Apr-18-1912

Reported in : (1912)ILR39Cal1041

Judge : Holmwood and; Imam, JJ.

Appellant : Bhiku Hossein

Respondent : Emperor

Judgement :

Holmwood and Imam, JJ.

1. This was a Reference made by the learned Sessions Judge of Dinajpore recommending that the order passed by the Deputy Magistrate at head-quarters, under Section 476 of the Criminal Procedure Code, directing the trial of the complainant under Section 211 and sending the case to the District Magistrate for orders, should be set aside. At the same time he informed us that there was a motion before him to order farther enquiry into the matter. He did not think it proper to deal with it himself, because it might prejudice our order in regard to the matter under Section 476 of the Criminal Procedure Code. He says it seemed to him that the proper course to take was to submit this Reference for decision before proceeding to dispose of the other motion.

2. We need not, therefore, go into the point of the necessity for further enquiry under Section 203, as we have dealt with it in a similar case to this in a some-what lengthy judgment delivered this morning in which we pointed out that the Government Circular with regard to enquiries into complaints against Police officers has been greatly misunderstood, that Circular cannot be held to refer to any kind of local investigation under Section 202 of the Criminal Procedure Code, and that the local investigation which it mentions is a full and complete judicial enquiry on the spot after process issued and hearing witnesses on both sides and taking the explanation of the accused person.

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