

Manik Vs. King Emperor

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SooperKanoon Citation : sooperkanoon.com/859087

Court : Kolkata

Decided On : Mar-12-1925

Reported in : AIR1925Cal933

Appellant : Manik

Respondent : King Emperor

Judgement :

1. No one appears to oppose this Rule. It appears that at the hearing of the case before the committing Magistrate though the depositions of the witnesses were read over to them as, required by Section 360, Criminal Procedure, Code but this was done while the other witnesses were being examined. This we have held is not sufficient compliance with the provisions of Section 360, Criminal Procedure Code, since the object of that section is that the accused may have the opportunity of ascertaining that the evidence has been correctly recorded. This is of great importance in an enquiry with a view to commitment, since under certain circumstances the evidence then taken may be used as evidence against him at the trial. The objection was taken in the Sessions Court before the accused was called in to plead. Under these circumstances we think we shall make the rule absolute, and we accordingly quash the commitment of the petitioner and direct that the case be reheard before the committing Magistrate according to law.