

Sukumar Majumdar Vs. Emperor

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Court : Kolkata

Decided On : Feb-22-1932

Reported in : AIR1932Cal867a

Appellant : Sukumar Majumdar

Respondent : Emperor

Judgement :

Jack, J.

1. This is an appeal under Section 33, Bengal Emergency Powers Ordinance 11 of 1931. It appears in this case, sentence of four years' imprisonment was passed by the Special Magistrate, in which case an appeal lies to the Special tribunal constituted for the area in which the offence was tried. Under the proviso to Clause (1), Section 33, where no Special tribunal has been so constituted, an appeal shall lie to the Court of Sessions. An appeal has therefore been made in the present case to this Court. In the case of Emperor v. Harendra Chandra Chakravarty : AIR1925 Cal384 it was held that the High Court exercising Original Criminal Jurisdiction is not a Sessions Court within the meaning of the Criminal Procedure Code. In the circumstances, this appeal must be rejected for want of jurisdiction, leaving it to the appellant to take such steps as he may be advised to take in the matter, as it appears that it was intended that there should be an appeal. Had the sentence been over four years, the appeal would have been to this Court, but, in

the circumstances, no appeal lies to this Court, and the appeal must therefore be dismissed.

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