

Adyan Sing Vs. Queen-empres

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Court : Kolkata

Decided On : Jun-30-1886

Reported in : (1886)ILR13Cal121

Judge : O'Kinealy and; Agnew, JJ.

Appellant : Adyan Sing

Respondent : Queen-empres

Judgement :

ORDER

O'Kinealy and Agnew, JJ.

1. In this case the prisoner has been convicted of causing grievous hurt and sentenced to three years' rigorous imprisonment and a fine of Rs. 200. On his trial before the Sessions Judge of Patna, whilst certain of the witnesses were under cross-examination, their depositions before the committing officer were tendered in evidence in. order to contradict what they were then saying.

2. No objection was taken to the reception in evidence of these depositions by the Crown; but the Sessions Judge, because a Mooktear in Court, who is 'said to have conducted the case in the lower Court on behalf of the accused, made a general statement that the committing officer was not in the habit of reading over depositions to the witnesses, himself raised the objection, and refused to receive

the evidence tendered on behalf, of the prisoner. We think that he was wrong in doing so. There was no ground on which he could refuse the depositions. Further, we think that if he had refused them rightly, the prisoner should not have been debarred from calling the Assistant Magistrate for examination.

3. We set aside the conviction and sentence and direct that the prisoner be re-tried.

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