

Queen-empress Vs. Ishwar Chandra Sur

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SooperKanoon Citation : sooperkanoon.com/868384

Court : Kolkata

Decided On : Oct-24-1884

Reported in : (1885)ILR11Cal13

Judge : Wilson and ;Macpherson, JJ.

Appellant : Queen-empress

Respondent : ishwar Chandra Sur

Judgement :

Macpherson, J.

1. We think the Sessions Judge is right and that the order must be set aside. The record does not show, and the Magistrate in his explanation does not say, that the accused had an opportunity of entering upon his defence or of citing witnesses.

2. It is, moreover, by no means clear that the accused knew whether the accusation which he had to meet was one under Section 109 or Section 110 of the Criminal Procedure Code.