

Emperor Vs. Reed

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Court : Kolkata

Decided On : Jun-22-1921

Reported in : 69Ind.Cas.630

Judge : Buckland, J.

Appellant : Emperor

Respondent : Reed

Judgement :

Buckland, J.

1. I know of no authority, nor has any been advanced for the proposition that it is the duty of the Public Prosecutor to call a witness who he has reason to believe would give false evidence. In stating my opinion I cannot do better than adopt the language of a former Chief Justice of the High Court at Allahabad when he said in Queen-Empress v. Durga 16 A. 84 : A.W.N. (1894) 7 : 8 Ind. Dec. (N.S.) 55. (F.B.): 'It cannot be the duty of a Public Prosecutor acting on behalf of the Government and the country to call or put into the witness box for cross-examination a witness whom he believes to be a false or unnecessary witness.' The learned Standing Counsel has refused to call Mr. Grant on the ground that he believes him to be a false witness. In the former trial Mr. Grant was called by the Court and cross examined by both sides. He was not examined as a witness for the Crown, in which case other considerations would have arisen, and in the

circumstances I decline to interfere.

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