

Krishna Bala Dasi Vs. Niroda Bala Dasi

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Court : Kolkata

Decided On : Oct-25-1924

Reported in : AIR1925Cal989

Appellant : Krishna Bala Dasi

Respondent : Niroda Bala Dasi

Judgement :

1. The issuing of the process against; the petitioner in this case was not quite regular.
2. On the complaint being filed, the Sub-Deputy Magistrate distrusted the truth of the complaint and directed an investigation under Section 202, Criminal Procedure Code. Having done so he should have waited for the result of that investigation. Instead of waiting for the report he issued summons against the petitioner as the report had not arrived and because he thought that the case could no longer be kept pending. This action can hardly be considered as having been the result of a proper exercise of judicial discretion on his part.
3. The explanation submitted by the learned District Magistrate does not touch this part of the Rule.
4. The order summoning the petitioner is accordingly set aside.

5. The complaint will now be dealt with In accordance with law by some other Magistrate. Such Magistrate to be select-ad by the District Magistrate for the purpose.

6. The Rule is made absolute.

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