

MoyzuddIn Mean Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/883761

Court : Kolkata

Decided On : Apr-10-1929

Reported in : 124Ind.Cas.70

Judge : Mukerji, J.

Appellant : MoyzuddIn Mean

Respondent : Emperor

Judgement :

Mukerji, J.

1. This Rule must be made absolute. The petitioner was not examined under Section 342, Criminal Procedure Code. The Courts below appear to have taken the view that that section is not applicable to a summary trial. In this view they are wrong, it having been held by this Court that Section 342 is obligatory and applies to summary trials also see *Bebhu Lal v. Emperor* : AIR1927 Cal250 . The result is that the Rule should be made absolute, the conviction and sentence passed on the petitioner will be set aside and the case will now be re-tried by some Magistrate other than the Magistrate who dealt with it. The fine, if paid, will be refunded.