

Emperor Vs. D

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SooperKanoon Citation : sooperkanoon.com/884107

Court : Kolkata

Decided On : Feb-05-1934

Reported in : 152Ind.Cas.43

Judge : Williams and ;M.C. Ghose, JJ.

Appellant : Emperor

Respondent : D

Judgement :

M. C. Ghose, J.

1. Upon hearing Dr. Basak in support of the reference and Mr. Mukerji on behalf of the pleader against whom these proceedings were started, we are of opinion, upon consideration of all the circumstances, that it is not established beyond reasonable doubt that the pleader D actually signed the petition of compromise which was put in. It is true that the Munsif, who tried the suit, found against the pleader but, on appeal, the Additional District Judge disbelieved the evidence and came to the conclusion, as a final Judge of fact, that it was not established that D signed the petition. In this view of the matter we are of opinion that the charge framed against him has not been established. The reference is rejected.

Williams, J.

2. I agree.

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