

(1879) 09 AHC CK 0002

Allahabad High Court

Case No: None

Sukho

APPELLANT

Vs

Durga Prasad and
Others

RESPONDENT

Date of Decision: Sept. 6, 1879

Citation: (1880) ILR (All) 448

Hon'ble Judges: Straight, J

Bench: Single Bench

Judgement

Straight, J.

This was an application by petition on the part of one Sukho for revision of an order passed by the Sessions Judge of Bareilly, acquitting four persons prosecuted in his Court by the applicant. At the commencement of the proceedings before me objection was taken by Mr. Leach for the parties whose acquittals are complained of, to the "locus standi" of Babu Jogindro Nath, to make such an application on the part of a private prosecutor, Section 272 of the Criminal Procedure Code giving the Local Government alone the right to move against a judgment of acquittal. I was, however, of opinion that this being an application for revision, it was competent for a private prosecutor to bring to the knowledge of this Court material errors that had taken place in a judicial proceeding in a Court subordinate to it, with a view to having them set right. The circumstance that an acquittal had taken place in the Court below did not appear to me to affect the consideration of the objection, the whole question appearing to me to be whether the applicant's petition showed upon the face of it material error in law or procedure in the proceedings of the Sessions Court. I have carefully examined it, and find it deals purely with questions of fact, and that no point of law is raised upon it, consequently there is nothing to revise and the record may be returned. Properly I ought to have rejected the former application to send for the record.