

(1880) 03 AHC CK 0003

Allahabad High Court

Case No: None

Empress of India

APPELLANT

Vs

Bhup Singh

RESPONDENT

Date of Decision: March 11, 1880

Citation: (1880) ILR (All) 771

Hon'ble Judges: Straight, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Straight, J.

It appears to me that the Judge has adopted an unusual and very inconvenient course, in suspending the conclusion of the trial of Bhup Singh for the purpose of making a reference to the Court on a question of law that has arisen in the course of it. I do not think it ever was intended that Section 296 should be so used. The Sessions Judge has the whole case fully before him, and is in possession of all the materials necessary for him to give his judgment. If he decides wrongly, there is ample power in the Local Government on the one hand, or the accused on the other, to appeal to this Court and have the matter set right, and I certainly do not think that, at this stage, I am called upon to advise the Sessions Judge as to the view he should take. Upon his own responsibility and in the exercise of his discretion he must dispose of the case, and, if he feels there is substantial force in the point that has arisen in. reference to the charge u/s 363, Penal Code, he must not hesitate to acquit. I would point out to him that as yet he has passed no decision upon the charge u/s 420, Penal Code, through he took the opinions of the assessors upon it. Probably in respect of this he will find that no difficulty of jurisdiction arises. The record will be returned, and he will dispose of the case.