

**(1869) 05 CAL CK 0003****Calcutta High Court****Case No:** None

The Queen

APPELLANT

Vs

Gour Mohan Sen and Another

RESPONDENT

**Date of Decision:** May 5, 1869**Judgement**

Norman, J.

As we understand this case, the prisoner Gour Mohan Sen, Mooktear, applied u/s 50, clause 2 of Act X of 1862, to the Collector for a new stamp in lieu of one supposed to have been spoilt within six months previously. It turned out, on enquiry, that the writing on the stamp had been tampered with for fraudulent purposes, and the prisoners were committed for using a forged document, u/s 471. The Collector, to whom the stamp was tendered, was not sitting as a Court, Civil or Criminal, nor was the document given in evidence in any proceeding in any Court. Section 170 of the Code of Criminal Procedure has no application to the case, and our interference is quite unnecessary, But if section 170 had applied, the Judge would have done well to see if the Collector would not give the necessary sanction before he commenced the trial of the case, instead of sending up the proceedings to us u/s 434. The prisoners must be tried.