

**(1924) 02 CAL CK 0005**

**Calcutta High Court**

**Case No:** None

Emperor

APPELLANT

Vs

Gopi Mohan Saha

RESPONDENT

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**Date of Decision:** Feb. 12, 1924

**Acts Referred:**

- Criminal Procedure Code, 1898 (CrPC) - Section 465

**Citation:** AIR 1925 Cal 479 : (1924) ILR (Cal) 827 : 84 Ind. Cas. 340

**Hon'ble Judges:** Pearson, J

**Bench:** Single Bench

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### **Judgement**

Pearson, J.

The only question is whether the prosecution or the defence has to begin. There have been various English cases cited, some of which incline to one view and some to the other. It appears to me that the most satisfactory method to adopt in this case is that, if the enquiry is to be commenced u/s 465 of the Criminal Procedure Code, it should be regarded, not so much, as has been stated in one of the cases, as the issue joined between the parties, but as a preliminary enquiry which is conducted for the satisfaction of the Court, and in that view I think the prosecution ought to commence and give their evidence.