

(1920) 06 CAL CK 0005

Calcutta High Court

Case No: None

Amulya Charan Sarkar and
Others

APPELLANT

Vs

Amrita Lal Mukherjee

RESPONDENT

Date of Decision: June 9, 1920

Citation: 60 Ind. Cas. 336

Hon'ble Judges: Walmsley, J; Greaves, J

Bench: Division Bench

Judgement

Walmsley, J.

So far as I can understand the facts of this case, it appears to me that, probably, the provisions of Section 145, Criminal Procedure Code, offered the Magistrate the best means of settling the dispute between the two parties. But in view of the Full Bench decision in the case of Emperor v. Abbas 12 Ind. Cas. 833 : 39 C. 160 : 14 C.L.J. 429 : 16 C.W.N. 83 : 12 Cr.L.J. 569 I do not think it is open to this Court to say that the Magistrate must proceed u/s 145 and not u/s 107, Criminal Procedure Code. As the Magistrate has exercised his discretion I think we are not entitled to interfere. I, therefore, discharge this Rule.

Greaves, J.

2. I agree.