

(1878) 02 CAL CK 0006

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Baidanath Das

RESPONDENT

Date of Decision: Feb. 18, 1878

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 222

Hon'ble Judges: Richard Garth, C.J; Markby, J; L.S. Jackson, J; Kemp, J; Ainslie, J

Bench: Full Bench

Judgement

Richard Garth, C.J.

We are clearly of opinion, that an offence u/s 49, Act XXI of 1856, can be tried summarily by a Magistrate u/s 222 of the Criminal Procedure Code.

2. The confiscation, which is provided for by Section 49, is merely a consequence of the conviction, and does not form part of the punishment for the offence. We observe that, in the case of Khetter Mohun Chowrunghee 22 W.R. Cr. Rul. 43, to which we are referred, the question which we are called upon to decide was given up by the Government Pleader without argument; and that in the second case the learned Judges merely followed the ruling in the first, so that this would appear to be the first occasion on which the point has been seriously considered.