

(1871) 09 CAL CK 0002

Calcutta High Court

Case No: None

Iswar Chandra Koer

APPELLANT

Vs

Umesh Chandra Pal

RESPONDENT

Date of Decision: Sept. 30, 1871

Judgement

Kemp, Offg. C.J.

1. I have on three occasions, in Queen v. Mohim Chandra Chuckerbutty 3 B.L.R., A. Cr., 67, Dulali Bewa v. Bhuban Shaha 3 B.L.R., A. Cr., 53 and The Queen v. Girish Chandra Ghose 7 B.L.R., 513, sitting with Justices Glover and Markby, ruled that a Magistrate is not competent to make over a case to a Subordinate Deputy Magistrate who has not been empowered to entertain cases either on complaint or on the report of the Police, without first recording the prosecutor's statement. I would quash the conviction as illegal. The accused must be released.

Ainslie, J.

It seems to me that, u/s 66B of the Criminal Procedure Code, a Magistrate who is competent to direct that all complaints or reports of Police officers may be dealt with by a Subordinate Magistrate, is also competent to direct any particular complaint or report to be so dealt with. I would therefore not interfere.