

(1878) 03 CAL CK 0006

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Kudrutoollah and
Others

RESPONDENT

Date of Decision: March 22, 1878

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 4

Hon'ble Judges: L.S. Jackson, J; Cunningham, J

Bench: Division Bench

Judgement

L.S. Jackson, J.

"Trial," according to the definition in Section 4 of the Criminal Procedure Code, means "the proceedings taken in Court after a charge has been drawn up." It is clear, therefore, that Section 221 of the Criminal Procedure Code, which follows Section 220, authorises a Magistrate, although a charge may have been drawn up, to stop further proceedings and commit for trial: for this purpose Section 221 may be regarded as a proviso to Section 220. It may be added that, though the explanation to Section 220 provides that if a charge is drawn up, the prisoner must be either convicted or acquitted, it does not require that the conviction or acquittal should be by the Magistrate who drew it.

2. We see no reason, therefore, to quash the commitment.