

(1877) 05 CAL CK 0001

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Joy Hari Kor

RESPONDENT

Date of Decision: May 3, 1877

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 432

Citation: (1877) ILR (Cal) 356

Hon'ble Judges: Prinsep, J; Markby, J

Bench: Division Bench

Judgement

Markby, J.

We think that we ought not to make the order asked for, because, even if the case were transferred to the Magistrate to Dacca, we do not think he would have power to release the lunatic upon taking security. The authority of the Magistrate appears to us to cease when the lunatic is handed over to the care of the local Government, and it does not revive until the prisoner is sent back to the Magistrate u/s 432 on a certificate that he is capable of making his defence. The Deputy Commissioner can, if he thinks proper, bring the matter to the Government.