
(1868) 09 CAL CK 0006

Calcutta High Court

Case No: None

The Queen

APPELLANT

Vs

Srikant Charal

RESPONDENT

Date of Decision: Sept. 2, 1868

Judgement

Sir Barnes Peacock, Kt., C.J.

We are of opinion that in the case of a prisoner's pleading guilty before a Court of Session, the conviction upon that plea is valid, although there are no Assessors. See sections 362 and 363 of the Code of Criminal Procedure. If the accused refuse to plead, or claim to be tried, the Court must proceed to try the case; and in that case, where the trial is not by Jury, it must, according to section 324, be conducted with the aid of two or more Court.

1

Commencement of trial.	Sec. 862:--When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried. If the accused person plead guilty, the plea shall be recorded, and the accused may be convicted thereon.
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Refusal to plead, or plea of claim.	Sec. 363:--If the accused person shall refuse to plead, or shall claim to be tried, the Court shall proceed to try the case, taking all the evidence that is forthcoming.
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