

(1868) 07 CAL CK 0017

Calcutta High Court

Case No: Special Appeal No. 81 of 1868

The Queen

APPELLANT

Vs

Mahendranarayan
Bangabhushan

RESPONDENT

Date of Decision: July 13, 1868

Judgement

Loch, J.

With regard to the question asked by the Sessions Judge, we think that the words "accused person" used in section 436 do not apply to a party who has been convicted by the Magistrate, and from whose sentence there is no appeal, u/s 414 of the Criminal Procedure Code.

¹Powers of Court of Session and Magistrate to regulate the proceedings of subordinate Court.

[Sec. 486:--The Court of Session may direct that any accused person shall be admitted to bail or that the bail required by a Magistrate be reduced.]

²[Sec. 484:--It shall be at all times be lawful for a Court of Session and for a Magistrate to call for and examine the record of any Court immediately subordinate to such Court or Magistrate for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court. If the Court of Session or Magistrate shall be of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer to the proceedings for the orders of the Sudder Court. It shall not be lawful for any other Court than the Sudder Court to alter any sentence or order of any subordinate Court except upon appeal by parties concerned, duly made according to the provisions of Chapter XXX of this Act.]