

(1940) 11 CAL CK 0011

Calcutta High Court

Case No: Criminal Revision No. 1031 of 1940

Rajani Kumar Bhowmik and
Another

APPELLANT

Vs

The Emperor

RESPONDENT

Date of Decision: Nov. 29, 1940

Judgement

Sen, J.

The Petitioners have been convicted of having committed an offence punishable under sec. 324 of the Indian Penal Code by a Magistrate exercising 2nd class powers and sentenced to pay a fine of Rs. 25 each. Against this order of conviction an appeal was taken which was heard by the learned Additional District Magistrate. The judgment of the learned Additional District Magistrate is no judgment at all. The learned Magistrate disposed of the appeal in about four lines saying that "the prosecution case has been proved beyond a shadow of doubt." A judgment like this is entirely worthless. The learned Magistrate's attention is drawn to the provisions of sec. 367 and sec. 424 of the Criminal Procedure Code. It is the duty of the learned Magistrate to state the points for determination, to give his determination regarding those points and his reasons therefor. No useful purpose is served by the learned Magistrate merely saying that the prosecution case has been proved. There is nothing to show from the judgment that he appreciated the arguments advanced by the Appellants or the points urged on their behalf. The order of the learned Additional District Magistrate is set aside and the appeal is remanded for re-hearing according to law. The fine, if already paid, will be refunded to the Petitioners.