

(1916) 09 CAL CK 0004

Calcutta High Court

Case No: None

Saharulla Chowdhury and Others

APPELLANT

Vs

Kendua Santhal

RESPONDENT

Date of Decision: Sept. 13, 1916

Citation: 42 Ind. Cas. 729

Hon'ble Judges: Newbould, J; Chaudhuri, J

Bench: Division Bench

Judgement

1. We think that this Rule must be made absolute. The procedure adopted by the Magistrate was wrong. Authority in support of this proposition is to be found in *Guru Charan Aich* In the matter of the petition of 1 C. W. N. 650. It appears to us that the course open to the Magistrate was to order a further enquiry; and, after he had made such an order, he might have proceeded as the circumstances of the case justified. But, without taking any such steps, by simply ordering the re-issuing of the warrants, he exceeded his authority. The bail bonds of the petitioners who are out on bail will be discharged.