

Saharulla Chowdhury and Others Vs Kendua Santhal

Court: Calcutta High Court

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.