
Kanai Lal and Others Vs Hyder Ali Khan Pani

None

Court: Calcutta High Court

Date of Decision: Nov. 22, 1922

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) " Section 146

Citation: AIR 1923 Cal 483 : 73 Ind. Cas. 271

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

Bench: Division Bench

Judgement

1. In this case the learned Magistrate has passed an order u/s 146 of the Code of Criminal Procedure after recording a very short order in which

he states that he is unable to satisfy himself as to which of the parties is in possession of the land Several rulings have, been brought to out notice in

which it has been held by this Court that the omission to write at length the reasons for coming to such a conclusion may be a ground for remanding

a case It is impossible to lay down a hard and fast Rule when this Court should interfere on the ground of the brevity of the order passed in a

proceeding of this kind. In the present case it is sufficient for us to say that we see no reason to think that the learned Magistrate did not give full

judicial consideration to the evidence before he came to the conclusion at which he arrived. This being so, there is no reason for our interference.

The Rule is discharged.