
(1877) 04 CAL CK 0005

Calcutta High Court

Case No: None

The Corporation of
Calcutta

APPELLANT

Vs

Bheecunram Napit alias
Bheecun Napit

RESPONDENT

Date of Decision: April 23, 1877

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 147

Citation: (1877) ILR (Cal) 291

Hon'ble Judges: Macpherson, J

Bench: Single Bench

Judgement

Macpherson, J.

I am of opinion that Section 147 gives me no power to grant this application. The object in fact is to appeal against an acquittal. But Section 147 does not provide for such an appeal. It contemplates the transfer of a case before disposal, or interference on behalf of persons aggrieved or injured by an order of the Magistrate. But there was no intention to give power to interfere in order to set aside an acquittal. If it had been intended to give that remedy, it would, no doubt, have been expressly given, as in the Criminal Procedure Code and in the Presidency Magistrates' Act, IV of 1877. One section of the latter Act (Section 181) really shows that Section 147 was intended to apply only where there has been a conviction, for it makes notice to the Government prosecutor necessary before an application can be made u/s 147.

2. Even, however, if I had the power to interfere, I would not exercise it in such a case as this.