
(1869) 05 CAL CK 0047

Calcutta High Court

Case No: None

Queen

APPELLANT

Vs

Golak Sing and Others

RESPONDENT

Date of Decision: May 6, 1869

Judgement

E. Jackson, J.

I think the Sessions Judge's letter No. 253, paragraph 6, contains a sufficient sanction.

Norman, J.

I cannot appreciate the force of the Judge's scruples. He first directs an enquiry into the charge of perjury. What can that mean, but a regular judicial enquiry properly conducted; and subsequently, when this is supposed to be insufficient, as it certainly would have been, if the Judge had limited his direction to an order that the police should enquire and report to himself with a view to future proceedings, the Judge on the 10th of April sanctioned the commitment by the Deputy Magistrate.

2. I wholly fail to see why this sanction is not sufficient. I cannot understand why a restricted construction should be put on the plain language of the proviso of section 169. Such sanction may be given at any time. The prisoners must be tried, and I think that there is no necessity for our interference.

(1) Extract para 6 from letter No. 253, dated 16th October 1868, from the Sessions Judge to the Magistrate of Backergunge.

Durga Das Sen, 6. The conduct of the Police, as per margin, concerned Dinanath Dutt, in this case, should, I think, be brought to the notice of the Golak Sing, Ram Superintendent of Police, and an enquiry held on the following Kissen Misser, points:--

1st--Have the Sub-Inspector and Head Constable perjured themselves in the matter of the arrest of Hur Kumar at Menazudy on the morning of the 2nd April?

2nd--How did it come to pass that Hur Kumar was in the hands of the Police four days, and was not sent to hajut till the 26th April?

3rd--Why did Golak Singh take two days to go from Menazudy to Madareepore, and did he hand Hur Kumar over to the Court Inspector on the morning of the 24th; and if he did what prevented the Court Inspector from at once obtaining the order of the Deputy Magistrate to confine him in hajut?

4th--As by the Sub-Inspector's own showing, he stopped at Madareepore on the 5th April on his way to Rajnaggur, how was it that he allowed Hur Kumar to remain that day in the thauna guard-house, although he knew, by his own "abijagputra," that Hur Kumar had been dispatched on the 22nd?

5th--Did the Constable, Ram Misser, maltreat the prisoners Wazir Mohammed and Badorudi?

I fear that there has been some sharp practice, if not unfair dealing, on the part of the Police in this case; and that in their efforts to secure a conviction, they have not only spoilt the case, but overreached themselves.