

(1879) 11 CAL CK 0002

Calcutta High Court

Case No: None

In Re: The Empress

Vs

APPELLANT

RESPONDENT

Date of Decision: Nov. 28, 1879

Citation: (1880) ILR (Cal) 614

Hon'ble Judges: Tottenham, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

Then as to the alleged defect in the procedure of the Court of Session, we have no doubt that the Sessions Judge was wrong in refusing to permit the cross-examination of the witness called by the Court. The ordinary practice in properly constituted Courts is, that where a witness for the prosecution is not called on the part of the Crown, he is placed in the witness-box in order that the defence may have an opportunity of cross-examining him; and certainly, where the Judge thought it necessary to call one of these witnesses for the purpose of eliciting some facts which he thought material for the prosecution, the prisoner ought to have been allowed an opportunity of putting any question that he thought necessary in cross-examination.