

(1878) 04 CAL CK 0019

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Gangadhur Bhunjo
and Others

RESPONDENT

Date of Decision: April 16, 1878

Acts Referred:

- Stamp Act, 1899 - Section 43

Citation: (1878) ILR (Cal) 622

Hon'ble Judges: Prinsep, J; Markby, J

Bench: Division Bench

Judgement

Prinsep, J.

These cases have been submitted to us by the Sessions Judge of Midnapore, because sentences of fine have been imposed by the Magistrate of the Division of Contai for breaches of the stamp law contrary to the rule laid down in the case of the Queen v. Nadi Chanel Poddar 24 W.R. Cr. Rul. 1.

2. It appears that the Collector authorized this officer, u/s 43 of the Stamp Act, to institute and conduct the prosecution in these cases. Under these circumstances we think that he was not competent also to try them. Any possible inconvenience might have been obviated by the Collector's employing the Government pleader or some other person to conduct the prosecution u/s 43. We quash the convictions and sentences, and direct that the fines, if paid, be refunded.