

(1877) 02 CAL CK 0001
In the Calcutta High Court

In Re: Chunder Nath Sen and Another

Date of Decision : 20-02-1877

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 518

Citation : (1877) ILR (Cal) 293

Hon'ble Judges : Richard Garth, C.J;Markby, J;Macpherson, J;Kemp, J;Ainslie, J

Bench : Full Bench

Judgement

Richard Garth, C.J.—As the Magistrate states that riot or affray was imminent, and that he considered that the direction he gave tended to prevent, and was likely to prevent, a riot or affray, and as the facts stated by the Magistrate show that there were some grounds for the opinion which he expressed, we think that he had power, u/s 518 of the Criminal Procedure Code, to make the order complained of. This Court, therefore, cannot interfere with it u/s 15 of the Statute 24 and 25 Vict., cap. 104; nor can the Court interfere on any other ground, as by Section 520 the order made is declared not to be a judicial proceeding, however much it may infringe upon what are, or may be (irrespective of this section), the undoubted legal rights of the petitioners.