

(1903) 09 MAD CK 0015
In the Madras High Court
In Re: Masha Sabjee Sahib

Date of Decision : 16-09-1903

Acts Referred:

Citation : 7 Ind. Cas. 856

Hon'ble Judges : Arnold White, C.J;Subramania Aiyar, J

Bench : Division Bench

Judgement

1. In the circumstances, in which the order of transfer was made, to which our attention has now been called by the Public Prosecutor, we are of opinion that the order was perfectly proper. No adequate explanation is forthcoming as to the extraordinary delay in the disposal of this simple case. It has been on the file of the 3rd Class Magistrate of Vaniambadi for 15 months and has now been ripe for judgment for 6 months. We do not hesitate to characterise the delay in the disposal of this case as scandalous.
2. It has been urged that the order of transfer was illegal on the ground that no opportunity was given to the accused to show cause against the making of the order. Although as a general rule, notice should be given [See the case of Alagirisami Naidu 26 MN. 41, the failure to give notice does not render an order of transfer illegal.
3. The circumstances of this case are so special that we decline to say that the order of transfer was bad on the ground that no notice was given to the accused.
4. The petition is dismissed.