

(1922) 08 MAD CK 0026

In the Madras High Court

In Re: Ramanathan Chettiar

Date of Decision : 15-08-1922

Acts Referred:

Citation : (1923) ILR (Mad) 719 : 71 Ind. Cas. 608 : (1923) 17 LW 412

Hon'ble Judges : Ramesam, J;Oldfield, J

Bench : Division Bench

Judgement

1. The question before us is in effect whether Section 350(a). Criminal Procedure Code, can be applied to proceedings in a warrant case before charge has been framed, that is, in effect, whether at that stage the proceeding is not a trial, but merely an enquiry. The authorities, in Narayanaswamy Naidu v. Emperor 5 M.L.T. 233 : 19 M.L.J. 157 : 9 Cr.L.J. 192 Tanguturi Sriramulu v. Nalam Krishna Row 38 M. 585 : (1914) M.W.N. 646 : 15 Cr.L.J. 673 and Telluchuri Venkatachennaya v. Emperor 56 Ind. Cas. 50 : (1920) M.W.K. 280 : 38 M.L.J. 370 : 21 Cr.L.J. 402 : 27 M.L.T. 178, are in favour of the view that such a proceeding is merely an enquiry; and we see no reason for departure from this series of considered decisions, two of them given by a Full Bench. There is, therefore, no legal objection to the Magistrate's order and the revision petition must be dismissed.