

(1899) 10 CAL CK 0001
In the Calcutta High Court

Ishan Chandra Kalla and Another

APPELLANT

Vs

Dina Nath Badhak

RESPONDENT

Date of Decision : 03-10-1899

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 522
Penal Code, 1860 (IPC) — Section 350

Citation : (1900) ILR (Cal) 174

Hon'ble Judges : Stanley, J;Sale, J

Bench : Division Bench

Judgement

Sale and Stanley, JJ.—We think that this rule must be made absolute, and our reason for so thinking is that there is no sufficient finding that the dispossession complained of was attended by criminal force such as is contemplated by Section 522, Code of Criminal Procedure. According to the ruling in Ram Chandra Boral v. Jityandria I.L.R.(1897)., Cal 434, in order to support an order u/s 522 of the Code of Criminal Procedure, there must be a finding that the dispossession was by the use of criminal force as defined in Section 350 of the Indian Penal Code. There has been no such finding here, and the result is that the order made u/s 522 of the Code of Criminal Procedure must be set aside and the rule made absolute.