

(1886) 12 CAL CK 0001
In the Calcutta High Court

Moteeram

APPELLANT

Vs

Belaseeram

RESPONDENT

Date of Decision : 07-12-1886

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 370

Citation : (1887) ILR (Cal) 174

Hon'ble Judges : W. Comer Petheram, C.J.;Beverley, J

Bench : Division Bench

Judgement

W. Comer Petheram, C.J.—We think that this rule must be discharged. These proceedings were held u/s 370, and the only matters which the Presidency Magistrate is bound to record are the matters provided in that section. The first question and the real question in this case is whether, in a sentence of this kind, the Magistrate was bound to record any reason at all. The sentence is a sentence of a fine of Rs. 10, and, in default of payment of the fine, a short term of imprisonment is imposed. The question is, whether that is a sentence of imprisonment within the meaning of Section 370 (Clause i). In our opinion it is not. We think that it is a sentence of a fine, and that the latter part of the sentence is a mere mode of compelling payment of the fine, and that the meaning of that section is that, where the offence was sufficiently grave to involve a fine of Rs. 200 or imprisonment as the substantive sentence, the Magistrate was bound to record his reasons so as to enable the party to bring the matter up to this Court. But in petty cases which the Magistrate thought would be met by a fine of a few rupees the Legislature thought that his decision ought to be recorded shortly, and if the parties wanted to bring it up they could do so in some other form. For these reasons we think the Magistrate's order was quite sufficient u/s 370, and that the rule must be discharged.