

(1906) 07 MAD CK 0005
In the Madras High Court

Narayanaswami Naidu

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 30-07-1906

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 562

Citation : (1907) ILR (Mad) 567 : (1906) ILR (Mad) 567

Hon'ble Judges : Arnold White, C.J;Subrahmania Ayyar, J

Bench : Division Bench

Judgement

1. We do not think it was the intention of the Legislature by the use of the words ""Court before whom he is convicted"" in Section 562, Criminal

Procedure Code, to limit the power of making orders under that Section to the Court of First Instance, The proviso to the Section appears to us

inconsistent with the view that this was the intention of the Legislature.

2. We agree with the decision in Emperor v. Birch ILR 24 All. 306.