

Manna And Ors. vs State on 27 November, 1953

Equivalent citations: AIR1954ALL578, AIR 1954 ALLAHABAD 578

JUDGMENT

Malik, C.J.

1. This case has been referred to a larger bench by a learned single Judge of this Court on the ground that there is a Full Bench decision of the Madras High Court* and a Full Bench decision of the Rangoon High. Court which are contrary to the view taken by this Court that Section 342, Criminal P. C. applies both to summons as well as to warrant cases. The last decision of this Court mentioned by the learned single Judge is -- 'Sia Ram v. Emperor', AIR 1935 All 217 (A). That was a decision of a division bench, The learned Chief Justice, sulaiman, C. J, in that case observed as follows:

"It may well be that there is much to be said in support of either view, but the preponderance of opinion has been in favour of the view that Section 342 applies both to summons and warrant cases."

2. We are bound by the decision of the bench mentioned above and it is, therefore, not possible for us to take a contrary view. In view of the series of decisions of this Court and the fact that Section 342, Criminal P. C. is for the benefit of an accused person to enable him to explain any circumstances appearing in the evidence against him, it does not seem necessary to refer this case to a larger bench.

3. We, therefore, send the case back to the learned single Judge for decision.