

1922.

RAMDHURI
CHOWDEHURI
v.
DEONANDAN
PRASAD
SINGH.

The judgment and decree appealed from will be set aside and the order of the learned Subordinate Judge restored.

MULLICK, J.—I agree.

Appeal allowed.

REVISIONAL CRIMINAL.

Before Coutts and Das, J.J.

LACHMI SINGH

v.

KING-EMPEROR.*

1922.

July, 12.

Police Diaries—Investigating officer asked for certain date and names from the diary—whether accused entitled to inspect the whole diary.

Where the investigating officer was asked in the witness-box about a certain date and the names of certain persons and the court directed him to give the date and names from the diary, held, that the defence was entitled to inspect the entry of the date and names but was not entitled to an inspection of the whole diary.

The facts of the case material to this report are stated in the judgment of Coutts, J.

Gour Chandra Pal and *H. P. Sinha*, for the applicants.

Sultan Ahmed, Government Advocate, for the Crown.

COUTTS, J.—The ground on which this application for revision was admitted was an allegation that the investigating Police Officer read over the whole of the police diaries for the purpose of refreshing his memory and that when an application for inspection of the diary was made it was refused.

*Criminal Revision No. 376 of 1922, against an order passed by C. H. Reid, Esq., Sessions Judge of Bhagalpur, dated the 18th April, 1922, modifying an order of Babu Atulya Dhan Banarji, Subdivisional Magistrate of Madnigura, dated the 15th February, 1922.

On reading the explanation of the Magistrate and the orders which were passed by him on the application made at the time it appears that what occurred was that the investigating officer when in the witness-box was asked about a certain date and the names of certain persons and the Court directed him to give the date and the names from the police diary. This the witness did. The defence thereupon asked for an inspection of the whole diary. This was not allowed, but the Magistrate offered an inspection of the date and the names in respect of which the witness had refreshed his memory from the diaries. This, however, was refused. I can find nothing in the law which entitles the defence to an inspection of anything more than that portion of the diary from which the witness refreshed his memory, and in my opinion, there was no illegality or irregularity in the procedure of the Magistrate.

I see no reason to interfere and I would dismiss this application.

DAS. J.—I agree.

Application dismissed.

LETTERS PATENT.

Before Dawson Miller, C. J. and Mullick, J.

SHEIKH ABDUR RAHMAN

v.

SHEIKH WALI MOHAMMAD.*

1922.

July, 13.

Mahomedan Law—Dower—widow in possession of deceased husband's estate in lieu of dower—power of transfer—suit by husband's heirs against transferee for possession—Limitation.

A Muhammadan widow in possession of her deceased husband's estate in lieu of dower is incompetent to transfer her lien on such property so as to be binding after her lifetime without also transferring the dower debt.