

In the view that I have taken of this case, it has become unnecessary to consider the result of this argument.

For the reasons given above I would refuse this application.

ABDUL QADIR J.—I agree.

N. F. E.

1932
 RASHID AHMAD
 v.
 THE CROWN.
 MONROE J.

ABDUL QADIR.

Revision dismissed.

MISCELLANEOUS CRIMINAL.

Before Tek Chand J.

SHAMSHAD ALI KHAN (COMPLAINANT)

Petitioner

versus

MOHAMMAD AMIN KHAN AND OTHERS (ACCUSED)

Respondents.

1932

July 27.

Criminal Miscellaneous No. 130 of 1932.

Criminal Procedure Code, Act V of 1898, section 526: Transfer of case—Magistrate recording complainant's evidence at 9 o'clock at night—in contravention of High Court circular letter No. 2167-G., dated the 2nd April 1924.

Held, that the examination of witnesses for the complainant after 9 o'clock at night in contravention of the directions of the High Court, as contained in its circular letter No. 2167-G., dated the 2nd April 1924, is a sufficient ground for the transfer of the case.

Mst. Daya Wanti v. Bita Nand (1), referred to.

Petition under section 526, Criminal Procedure Code, for transfer of the case from the Court of Chaudhri Mohammad Anwar Khan, Magistrate, 1st class, Rohtak, to some other Court of competent jurisdiction.

1932

SHAMSHAD ALI
KHANv.
MOHAMMAD
AMIN KHAN.

TEK CHAND J.

MOHAMMAD AMIN, for Petitioner.

Nemo, for Respondents.

TEK CHAND J.—After examining the record and reading the explanation submitted by the Magistrate, I withdraw the case from the Court of *Chaudhri* Mohammad Anwar Khan, Magistrate, 1st Class, Rohtak, and direct the District Magistrate to assign it to any other Magistrate for trial at the headquarters.

The Magistrate has admitted in his explanation that he examined some of the witnesses for the complainant after 9 P.M., as he was busy during the day in discharging certain executive duties in connection with the visit of troops. The directions of this Court as contained in its circular letter No. 2167-G., dated the 2nd April, 1924, addressed to all District and Sessions Judges and District Magistrates are quite clear that no new cases should be taken by the subordinate courts after 4 P.M.; see also in this connection *Mussammatt Daya Wanti v. Bita Nand* (1). The Magistrate states that he was unaware of the contents of this circular letter. This discloses a highly unsatisfactory state of affairs, and I have no doubt that the District Magistrate will take steps now to bring the circular to the notice of all Magistrates in his district.

N. F. E.

Petition accepted.

(1) (1929) 30 P. L. R. 657.