

1948

Present: Wijeyewardene J.

ANDRISHAMY, Petitioner, and DEONISHAMY, Respondent.

*In revision M. C. Matara, 52,311.**Criminal Procedure—Complainant's application for postponement refused—
Duty of Magistrate to proceed with the trial.*

When a Magistrate refuses an application for postponement made by a complainant he should proceed with the trial and ask the complainant to place his evidence before the Court.

THIS was an application to revise an order of the Magistrate of Matara.

S. C. E. Rodrigo (with him *S. Saravanamuttu*), for the petitioner.

P. S. W. Abeyewardene, C.C., as *amicus curiae*.

March 9, 1945. WIJEYWARDENE J.—

The complainant charged the accused in this case with offences under sections 486 and 314 of the Ceylon Penal Code. The plaint was filed on January 10, 1944. On January 25th the accused was present and he pleaded not guilty. The case was fixed for trial on March 4. An entry made on that date by the Magistrate is as follows:—“ the complainant not
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