

In Re: Keshav Lakshman

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SooperKanoon Citation : sooperkanoon.com/328196

Court : Mumbai

Decided On : Mar-23-1876

Reported in : (1877)ILR1Bom175

Judge : Melvill and ;West, JJ.

Appellant : In Re: Keshav Lakshman

Judgement :

1. The Court thinks that the Subordinate Judge, and not the karkun, Keshav, must be regarded as the complainant in the proceedings before the Magistrate. The Subordinate Judge acted judicially, and, on that ground, would not be subject to the penalty provided in Section 209 of the Criminal Procedure Code. The karkun, if he made a false report to the Subordinate Judge, or gave false evidence before the Magistrate, is punishable otherwise; but, not being the complainant, he also is not liable to have the payment of compensation awarded against him under Section 209 of the Criminal Procedure Code.

2. The Court reverses the order of the Magistrate, which directed that Keshav Lakshman should pay Rs. 5 to Aba valad Krishna as compensation.