

In Re: Muse Ali Adam

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SooperKanoon Citation : sooperkanoon.com/330114

Court : Mumbai

Decided On : Jul-11-1878

Reported in : (1878)ILR2Bom653

Judge : Kemball and ;Pinhey, JJ.

Appellant : In Re: Muse Ali Adam

Judgement :

Kemball, J.

1. The Court concurs with the opinion of the Magistrate of the District. The offence charged was one of 'contempt of the lawful authority of a public servant,' and no proceedings could have been instituted against the offender without the sanction of the Court whose authority had been resisted. In such a case the complainant spoken of in Section 210 of the Code of Criminal Procedure, must be deemed to be the Court resisted, and not the person injured through the resistance. Therefore, to make the withdrawal of such a complaint, as that under consideration, legal, it must be based on the application alone of the Court or authority sanctioning the proceedings.

2. The Court annuls the order of the Subordinate Magistrate, permitting the withdrawal of the charge in this case, and directs the Magistrate to proceed with the trial, and dispose of the case according to law.

