

**Moti Ram Vs. Emperor**

**Moti Ram Vs. Emperor**

**SooperKanoon Citation :** [sooperkanoon.com/466251](http://sooperkanoon.com/466251)

**Court :** Allahabad

**Decided On :** Aug-28-1924

**Reported in :** AIR1925All410; 85Ind.Cas.710

**Appellant :** Moti Ram

**Respondent :** Emperor

**Judgement :**

**Mukerji, J.**

1. Two points have been, urged in this application for revision.
2. It appears that the applicant prosecuted' somebody on a charge under Section 498 of the Indian Penal Code. The prosecution failed. It was before a Bench of Honorary Magistrates. The learned District Magistrate to whom an appeal would, ordinarily lie from the orders of the Court of the Bench of Honorary Magistrates, took up the matter under Section 476-A, of the Criminal Procedure Code and ordered the prosecution of the applicant under Section 193 of the Indian Penal Code. The applicant went to the learned Sessions Judge in appeal and his appeal, has been dismissed.
3. It is urged that the learned District-Magistrate had no jurisdiction to take up the matter as the original complaint was not heard by him. The point, however, cannot be maintained in view of the new, law, viz., 476-A of the Criminal Procedure Code.

4. The second point is that as a matter of fact no oath was administered to the applicant. Assuming that such was the case the applicant was bound to state the truth before a Court of justice.

5. I reject the application.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**