

Tota Ram Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/466725

Court : Allahabad

Decided On : Feb-22-1909

Reported in : 1Ind.Cas.220

Judge : Aikman, J.

Appellant : Tota Ram

Respondent : Emperor

Judgement :

Aikman, J.

1. This is an application for the revision of an order of the District Magistrate of Dehra Dun, directing the prosecution of the applicant for offences under Sections 193, 465 and 471 of the Indian Penal Code. The offences are alleged to have been committed by the applicant as plaintiff in a suit for profits brought under the provisions of the Tenancy Act in the Court of an Assistant Collector of the first Class. In my opinion the order of the District Magistrate was entirely without jurisdiction and cannot be justified either under Section 195 or 476 of the Code of Criminal Procedure. I quash the order of the District Magistrate dated the 2nd of November 1908. Any proceeding instituted against the applicant under that order must be dropped.

