

**Emperor Vs. Salig Ram**

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**SooperKanoon Citation :** [sooperkanoon.com/472076](http://sooperkanoon.com/472076)

**Court :** Allahabad

**Decided On :** May-28-1930

**Reported in :** AIR1931All141

**Appellant :** Emperor

**Respondent :** Salig Ram

**Judgement :**

**Kendall, J.**

1. The circumstances from which this reference arises have been. stated very fully by the learned District Judge in his order. A village panchayat having come to the conclusion that Salig Ram had made a false statement and used a forged document in a case before it, sent a report to the Collector for his orders and the Collector apparently acting as a District Magistrate made a complaint in the Court of the Sub-divisional' Magistrate under Sections 467 and 471, I. P.C. with the result that Salig Ram was 'committed for trial to the Court of Session. As the Judge has pointed out, the panchayat is not subordinate to the Collector if it is a civil Court. As, a civil Court it could have made complaint itself which it did not do, for under Clause (c) Section 195, Criminal P.C., the Court to which it is subordinate could have made such complaint. That Court as the Judge points out, is the principal civil. Court of the district namely the District Judge, and the complaint of the Collector or the District Magistrate was therefore without jurisdiction.

2. The learned Assistant Government Advocate who has considered the matter with great care has argued that the Panchayat is not a civil Court as contemplated in Clause (3), Section 195, Criminal P.C., but as a Court in the wider sense as referred to in Clauses (b) and (c), Sub-section (1), Section 195, that the distinction is a real one as shown in the case of *Bilas Singh v. Emperor* : AIR1926 All737 , and that a panchayat is a Court has been held in a recent decision namely *Mukhna Das v. Secy. of State* : AIR1927 All752 . In the earlier decision referred to above it has been found that there are other tribunals which may properly be called Courts outside civil, revenue and criminal Courts. It may be argued therefore that a panchayat is a Court in this wider sense and that as a panchayat is undoubtedly subordinate to the Collector in many respects, as shown in Sections 70 and 71, 'United Provinces Village Panchayat Act of 1920, it may reasonably be held that the Collector is the Court to which this Court, the panchayat is subordinate within the meaning of Clause (c), Sub-section (1), Section 195, Criminal P.C.

3. The argument is ingenious but it may be doubted whether the Collector for the purposes of Sections 70 and 71 of the Act, is 'Court' rather than an administrative officer. In any case when once it is admitted that a panchayat is a Court there is no reason to regard it as other than a civil Court when it is exercising jurisdiction over civil matters and as a criminal Court when it deals with offences against the criminal law. It may not always be a civil Court, but in the matter from which the present reference arises it was undoubtedly acting as a civil Court and in such cases in my opinion the District Judge is perfectly correct in saying that it must be deemed to be subordinate to the principal Court having original civil jurisdiction in the district namely the District Judge himself. This is clearly provided in Sub-section (3), Section 195, Criminal P.C. The result is that I accept the reference and direct that the commitment be quashed and the surety or sureties of the accused be discharged.