

Debi Prosad Vs. Emperor

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Court : Allahabad

Decided On : Aug-13-1912

Reported in : 17Ind.Cas.573

Judge : Rafique, J.

Appellant : Debi Prosad

Respondent : Emperor

Judgement :

Rafique, J.

1. It appears that in a case pending in the Court of the Munsif of Havali in the District of Bareilly, a document was tampered with. The learned Munsif reported to the District Judge about the tampering of the document. The latter wrote to the District Magistrate to take action in the matter. The case was made over to the Joint Magistrate of the District for trial. The applicant, who is one of the accused in the case, has filed this petition under Section 439 of the Code of Criminal Procedure, for revision of the proceedings pending in the Court of the Joint Magistrate. It is contended on his behalf that the Joint Magistrate has no jurisdiction to try the applicant and the other accused inasmuch as no complaint according to law has ever been filed. It is argued that the letter of the District Judge to the District Magistrate, in the absence of any proceedings under Section 476 of the Code of Criminal Procedure, does not fall within the definition of a

complaint, and that Section 195, Clause (b) of the Code of Criminal Procedure, has no application. In support of this contention, the learned Counsel has cited In the matter of the petition of Mathura Das 16 A. 80 and In re Lakshmidas Lallji 32 B. 184; 10 Bom. L.R. 28; 7 Cr. L.J. 35; 3 M.L.T. 46. A later decision of this Court, viz., Emperor v. Sundar Sarup 26 A. 514 : A.W.N. (1904) 90 : 1 Cr. L.J. 335 covers the present case. The application is, therefore, rejected.

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