

Ram Narain Vs. Harbans Singh

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SooperKanoon Citation : sooperkanoon.com/474784

Court : Allahabad

Decided On : Feb-02-1923

Reported in : 71Ind.Cas.617

Judge : Lindsay, J.

Appellant : Ram Narain

Respondent : Harbans Singh

Judgement :

Lindsay, J.

1. These three applications are directed against an order of the District Judge of Allahabad granting sanction for the prosecution of the applicants, Ram Narain, Gopi Ram and Badri Prasad, under Section 193 of the Indian Penal Code. The proceedings arose out of a civil suit for preemption in which Ram Narain was a defendant and in which the other two persons, Gopi Ram and Badri Prasad, appeared as witnesses.

2. Application was made to the Munsif for sanction to prosecute these three persons. The Munsif refused sanction. An application was then made to the District Judge under Section 195(6) of the Code of Criminal Procedure. The learned District Judge has granted the sanction.

3. If these applications which are now before me are to be treated as applications in revision they are governed by the provisions of Section 115 of the Code of Civil Procedure and on that footing the learned Counsel for the applicants has not been able to satisfy me that the Court below has either exercised a jurisdiction not vested in it or has failed to exercise a jurisdiction or has acted in the exercise of its jurisdiction illegally or with material irregularity.

4. Independently of this, however, it has been contended that the applicants have a right to come to this Court under the provisions of Section 195(6) of the Code of Criminal Procedure. On this point there is the authority of a Bench ruling of this Court reported as *Baran Barai v. Mata Prasad* 25 Ind. Cas. 528 : 36 A. 469 : 12 A.L.J. 821 : 15 Cr.L.T. 616 that no such application will lie to this Court. The facts in that case were precisely similar to those in the present case. The applications fail and are dismissed with costs to the opposite party.