

The Queen Vs. Ramachandrappa and ors.

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Court : Chennai

Decided On : Jan-25-1883

Reported in : (1883)ILR6Mad249

Judge : Charles A. Turner, Kt., C.J. and ;Muttusami Ayyar, J.

Appellant : The Queen

Respondent : Ramachandrappa and ors.

Judgement :

Charles A. Turner, Kt., C.J.

1. The provisions of the Indian Penal Code are not in conflict with those of the Special Law, and effect may, therefore, be given to both. By Section 16(3) of the Regulation, a summary power to impose a fine is conferred on a Village Munsif analogous to that conferred on the Civil Courts by Sections 170* of the Civil Procedure Code.

2. In ordinary cases when there are no aggravating circumstances, the Village Munsif or Civil Court would act discreetly in employing the special powers conferred on it, but if a charge is instituted in a Criminal Court under the Indian Penal Code, it must be dealt with by the Court. The order referred must be set aside and the Magistrate directed to resubmit the accused and to complete the trial.

* Procedure if witness fails to appear.

[Section 170:-If such person does not appear, or appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court, thinks fit, having regard to his condition in life and all the circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine if any:

Provided that if the person whose attendance is required pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.]

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