

Queen Empress Vs. Veerava

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SooperKanoon Citation : sooperkanoon.com/776514

Court : Chennai

Decided On : May-02-1893

Reported in : (1893)3MLJ241

Appellant : Queen Empress

Respondent : Veerava

Judgement :

1. Under Section 487 of the Code of Criminal Procedure the Magistrate whose summons was disobeyed has no jurisdiction to try the offence. The rulings referred to by the Sub Magistrate are not in point. The one reported at 4 M. H. C. R 52 is under Act VIII of 1866 and the one reported at 6 M. H. C. R 44 had reference to Act III of 1869. In the case now before us the summons disobeyed was to appear as a defence witness in Calendar Case No. 1080 of 1892 on the file of the Sub-Magistrate and there was no general prohibition as under Section 487, in the Code of 1861.

2. The conviction is set aside and the fine will be refunded. The accused may be retried by a Magistrate having jurisdiction to try him for the offence. Ordered accordingly.