

In Re: Subbaraya Vathyar

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SooperKanoon Citation : sooperkanoon.com/776525

Court : Chennai

Decided On : Sep-28-1904

Reported in : (1905)15MLJ489

Appellant : In Re: Subbaraya Vathyar

Judgement :

ORDER

1. The District Magistrate professes to have been acting in a judicial proceeding so as to give himself jurisdiction to act under Section 476 of the Code of Criminal Procedure. His calling up the records under Section 435 is not a judicial proceeding as declared in Queen-Empress v. Kuppu I.L.R. 7 M. 560 and as he did nothing else that would constitute a 'judicial proceeding,' he had no power to make the order that he did under Section 476 of the Code of Criminal Procedure. Further to adopt, the procedure under Section 476, immediate action is contemplated and to take such procedure after the lapse of several months is illegal.

2. The order of the District Magistrate is accordingly reversed.