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Court : Chennai

Decided On : Feb-02-1928

Reported in : (1928)55MLJ573

Appellant : The Public Prosecutor

Respondent : Ramayya Mudaliar and ors.

Judgement :
ORDER

Wallace, J.

1. The Public Prosecutor does not press these appeals except to elicit from this Court an expression of opinion as to the propriety of the proposition of the Lower Court that Section 223 of the Madras Local Boards Act, 1920, must be read as limited by Section 24. I am clear that the persons who can be expressly authorised under Section 223 to file complaints are not confined to those to whom the President may delegate his authority under Section 24. Had that been the intention, I think Section 223 would have read 'expressly authorised under Section 24.' The proper procedure, I take to be this. The Union sanctions the prosecution and the President of the Union Board then expressly authorises some person, usually some responsible subordinate, to file the complaint. The authority should naturally be produced with the complaint, so that the Court may be satisfied of the authorisation, which alone gives it power to entertain the complaints. With these

remarks the appeals are dismissed.

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