

In Re: V. Velu Nattan

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Court : Chennai

Decided On : Sep-29-1911

Reported in : (1912)22MLJ155

Appellant : In Re: V. Velu Nattan

Judgement :

ORDER

Spencer, J.

1. It is argued that the Presidency Magistrate had no power to dismiss a complaint under Section 203, Cr. P.C., without examining the complainant. It was held in Queen-Empress v. Murphy¹ that a verification on oath of a complaint before a Magistrate was a sufficient compliance with the provisions of Section 203 and this has been followed in Cr. Rev. C. 308 of 1908 on the file of this court with special reference to the procedure provided for Presidency Magistrates under Section 200(a). In the present case the petitioner's vakil was present when the Magistrate passed orders under Section 203, Cr. P.C., dismissing the complaint and in the absence of any affidavit saying that he was precluded from showing cause against accepting the result of the police enquiry, I am not prepared to find that the complainant was in any way prejudiced by the Magistrate's procedure assuming that the law required him to make a more detailed examination. At the most the omission to examine in this case amounts to no more than an irregularity of the description covered by Section 537, Cr. P.C. The petition is dismissed.

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