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The Queen-empress Vs. Palani and ors.

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SooperKanoon Citation : sooperkanoon.com/778182

Court : Chennai

Decided On : Jul-25-1884

Reported in : (1883)ILR7Mad537

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

Appellant : The Queen-empress

Respondent : Palani and ors.

Judgement :

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

1. In our judgment the law does not require intention to be proved as part of the offence, but, in order to prevent indiscriminate prosecutions, it confines the power of instituting prosecutions to the Collector, and instructs him to exercise it only when it appears to him the offence had been committed with an intention to evade payment of the proper duty.

2. He is not required to make a formal inquiry or to record a proceeding when he gives a sanction in writing for a prosecution. It is to be presumed he has governed his decision by the rule prescribed. The order of the Appellate Court in the case of the maker of the note must be reversed, and a rehearing of the appeal ordered. The acquittal of the first accused is affirmed.

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