

In Re: Kora Rangan and ors.

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Court : Chennai

Decided On : Nov-14-1904

Reported in : 17Ind.Cas.413; (1912)23MLJ535

Judge : Benson and ;Boddam, JJ.

Appellant : In Re: Kora Rangan and ors.

Judgement :

ORDER

1. It is urged by Counsel for the petitioners that some of the persons, who have been required to give security for good behaviour, reside outside the jurisdiction of the Magistrate who took action under Section 110, Criminal Procedure Code, and our attention is drawn to the case of Ketaboi v. Queen-Empress 27 C. 993.

2. In that case, it was held that, according to the true construction of section. 110, the Magistrate would have no jurisdiction to deal with the case unless the person proceeded against was 'residing within the local jurisdiction of the Magistrate'.

3. With all respect to the learned Judges who decided that case, we are not prepared to follow their decision. The words of the section are--Whenever...a Magistrate receives information that any person within the local limits of his jurisdiction...is by habit a robber' and so forth, he may proceed under the section. Had the Legislature intended to restrict the jurisdiction of the Magistrate to persons residing within the local jurisdiction, nothing would have been easier than to have

said so; but the Legislature has refrained from imposing this limitation, and we are not justified in importing it into law. The law simply says any person within the local limits', and this we understand to mean any person who is within the local limits at the time when the Magistrate takes action under the section. The object of the section is the prevention of crime, and its object would, in our opinion, be liable to be defeated if its scope were restricted to persons residing within the Magistrate's jurisdiction. As the Sessions Judge points out, if that were so, we should have this absurdity that the Magistrates in British India would have no power to proceed under the section against bad characters, no matter how desperate and dangerous they might be, who reside in French or other Foreign Territory, though they might infest in villages in British India and be well known to the authorities as habitual thieves; nor would any Magistrate have power to proceed against those gangs of criminals who have no residence anywhere but wander from district to district throughout the year.

4. We dismiss the petition.

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