

In Re: Veerappan

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SooperKanoon Citation : sooperkanoon.com/783484

Court : Chennai

Decided On : Jul-16-1943

Reported in : AIR1944Mad37; (1943)2MLJ182

Appellant : In Re: Veerappan

Judgement :

ORDER

Kuppuswami Ayyar, J.

1. This is a petition to revise the order of the Additional District Magistrate of Salem dismissing the petitioner's petition No. 47 of 1942, to revise the order of the Sub-Divisional Magistrate of Dharmapuri passed on an inquiry held by him on a reference from the Assistant Superintendent of Police of Hosur. The petitioner sent a telegram to the Assistant Superintendent of Police of Hosur complaining that his brother and himself were tortured by the Pennagaram police. The Assistant Superintendent forwarded the telegram to the Sub-Divisional Magistrate of Dharmapuri as required by Police Order No. 157 for inquiry. The Sub-Divisional Magistrate conducted the inquiry, held that the allegations were not proved and ordered that no action be taken. It was to revise this order that the petition was filed before the Additional District Magistrate. The Additional District Magistrate held that the inquiry by the Magistrate under Police Order 157 was only a departmental one, that no revision lay against an order relating to such inquiry and dismissed the petition.?

2. The only question for consideration is whether the Magistrate was justified in finding that no revision lay. Police Order 157 prescribes the procedure to be adopted in the case of charges against police officers of torture or for having caused death or grievous hurt. The police officer to whom complaints of such offences are made or who hears of such occurrence should at once report the case to the Sub-Divisional Magistrate. On receiving such a report the Sub-Divisional Magistrate should at once take up the investigation unless he is of opinion that the charge did not constitute one of the offences specified in the police order in which case he will send an endorsement to that effect to the police officer and leave him to proceed with the investigation. In this case on receipt of the information from the Assistant Superintendent the Sub-Divisional Magistrate of Dharmapuri held an inquiry, examined a number of witnesses on oath and passed an order. The police order clearly states that the police officer should at once communicate himself with the Magistrate and get the matter investigated by him. The Sub-Divisional Magistrate's Court is an inferior Court within the jurisdiction of the Additional District Magistrate of Salem and there was a judicial inquiry by the Sub-Divisional magistrates defined in Section 4. (m) of the Code of Criminal Procedure as in this case he had taken the statements of the witnesses whom he examined on oath. Under Section 435 therefore the Additional District Magistrate had jurisdiction to revise the order passed in proceedings by the Sub-Divisional Magistrate of Dharmapuri. I therefore set aside the order of the Additional District Magistrate and remand the petition to him for being heard and disposed of on the merits.