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Queen-empress Vs. Vasudevayya

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SooperKanoon Citation : sooperkanoon.com/785344

Court : Chennai

Decided On : Jul-23-1896

Reported in : (1896)ILR19Mad355

Judge : Daveis and ;Boddam, JJ.

Appellant : Queen-empress

Respondent : Vasudevayya

Judgement :
ORDER

1. As ruled by the learned Chief Justice in Queen-Empress v. Arlappa I.L.R. 15 Mad. 137 the word 'presented' in Section 419 of the Code of Criminal Procedure 'evidently means that such petition shall be delivered to the proper officer of the Court either by the appellant or his pleader.'

2. It is clear that what the law requires is that the petition of appeal be presented by one or other of those two persons, and not by anybody else. In order to secure this, it is necessary that the presentation be made in person. So that the same reason applies for not recognizing a petition found in a petition box as to one sent by post, namely, that it might have been deposited there by a third person who could not legally present it. The Head Assistant Magistrate was, therefore, right in returning the petition of appeal in this case for legal presentation, and when that presentation was made, the appeal being time-barred was rightly rejected.

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