

**Queen-empress Vs. Muthayya**

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**SooperKanoon Citation :** [sooperkanoon.com/785629](http://sooperkanoon.com/785629)

**Court :** Chennai

**Decided On :** Jul-22-1897

**Reported in :** (1897)ILR20Mad457

**Judge :** Arthur J.H. Collins, C.J. and ;Shephard, J.

**Appellant :** Queen-empress

**Respondent :** Muthayya

**Judgement :**

1. We are clearly of opinion that Section 83 of the Criminal Procedure Code is applicable to warrants issued under the provisions of the Act XIII of 1859. There are no words in that Section limiting the operation of it to warrants issued under the Code. The reference to warrants issued under the Code made in Sections 75 and 93 cannot, we think, be taken to have the effect suggested. It cannot be supposed that, if when the Codes of 1861 and 1872 were in force, the Sections in them corresponding to Section 83 of the present Code were applicable to warrants issued under Act XIII of 1859, that state of the law was intended to be altered in the Code of 1882. To hold that none of the provisions of chapter VI of the Code apply to such warrants would lead to the conclusion that there is no provision made for the issuing or executing of them. It is not necessary to say whether under the Act of 1859, breach of contract is constituted an offence. The language of the Act appears to us to indicate that such was the intention of Legislature, but at any rate the Act authorizes the Magistrates, on a complaint being made, to issue a

warrant, and the only question is whether the provisions of the Criminal Procedure Cods apply to that warrant. We think that the provision in question does apply

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