

Runga Ayyar Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/786618

Court : Chennai

Decided On : Nov-10-1905

Reported in : (1906)ILR29Mad331

Judge : Benson and; Moore, JJ.

Appellant : Runga Ayyar

Respondent : Emperor

Judgement :

ORDER

1. We are clearly of opinion that the Court of the Assistant First-class Magistrate in charge of Calicut Division had jurisdiction under Section 476 of the Criminal Procedure Code to direct the prosecution, though the Magistrate who made the order under Section 476 was not the same Magistrate who tried the case. The power is given to the Court, not to the individual Magistrate. Nor does the fact that the complaint was rejected as not properly stamped in any way bar the jurisdiction of the Court. There was no adjudication on the matter. It was not even necessary for the Court to have read the complaint before rejecting it as not properly stamped.

2. As the Court of the Assistant First-class Magistrate in charge of Calicut Division had jurisdiction, we have no power to interfere with his order. We may say that we entirely agree with his opinion that it is to be regretted that the Court did not

originally deal with the matter under Section 476 of the Criminal Procedure Code instead of merely giving sanction to prosecute. We dismiss the petition.

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