

Queen-empress Vs. Arlappa and ors.

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Court : Chennai

Decided On : Oct-19-1891

Reported in : (1892)ILR15Mad137

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

Appellant : Queen-empress

Respondent : Arlappa and ors.

Judgement :

Collins, C.J.

1. I was at first inclined to think that a petition, under Section 419, Code of Criminal Procedure, sent through the post, should be received as fulfilling the requirements of the Section, but on further consideration, I am of opinion that the decision of Kernan and Muttusami Ayyar, JJ., reported in Weir's Criminal Rulings, page 1006, is correct. The words used in the Section are 'Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader.' The word presented evidently means that such petition shall be delivered to the proper officer of the Court either by the appellant or his pleader. Any other interpretation of the Section would give rise to numberless difficulties. I hold, therefore, that a petition sent by post is not presented to the Court within the meaning of Section 419, Code of Criminal Procedure.

Shephard, J.

2. I have had considerable doubts on this question, but am not prepared to differ.

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