

In Re: V. Chengiah Chetti

In Re: V. Chengiah Chetti

SooperKanoon Citation : sooperkanoon.com/787264

Court : Chennai

Decided On : Aug-11-1942

Reported in : AIR1942Mad745; (1942)2MLJ576

Appellant : In Re: V. Chengiah Chetti

Judgement :

ORDER

Horwill, J.

1. The petitioner was the President of the Panchayat Board, Anwardikanpet, Arkonam Taluk, which Board was superseded by the Government. The special officer appointed to conduct the affairs of the Panchayat demanded from the petitioner certain records belonging to the Panchayat. The allegation is that the petitioner refused to hand over the records asked for. The petitioner was therefore charged and convicted under Section 208 (3) of the Local Boards Act. In appeal, his conviction and sentence were affirmed.

2. The point on which this revision petition was admitted was whether the sanction of the Local Government for the prosecution was necessary. The section that requires the sanction of the Local Government before certain cases can be instituted against a member or President of a Local Board is Section 227-A of the Madras Local Boards Act, which says that when the President or any member of a Local Board is accused of any offence alleged to have been committed by him

while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Provincial Government. There are two reasons why the section does not apply. In the first place, the petitioner was neither the President nor a member of the Local Board at the time the offence was committed, because the Panchayat had been already superseded. Secondly, he could not have acted or purported to act in the discharge of his official duty because he had no official duty at that time. Since the petitioner possessed certain records as ex-President of the Panchayat, the special officer of the Panchayat had a right to demand these documents from him, and he could have had no excuse for not giving them up. *Natesa Padayachi, In re* : AIR1940 Mad649 . and *Subbayya v. Venkata Narasayya* (1939) 1 M.L.J. 830. , relied on by the petitioner, deal with a rather nice point of law that does not arise in this petition.

3. There is no other point in this petition worth considering. The sentence of Rs. 100 fine was certainly not unfitted to the offence.

4. The petition is dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com