

In Re: K. Sannaya

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Court : Chennai

Decided On : Sep-04-1940

Reported in : AIR1941Mad38; (1940)2MLJ564

Appellant : In Re: K. Sannaya

Judgement :

ORDER

Lakshmana Rao, J.

1. The petitioner is a Postman attached to the Coondapur Sub-Post Office and a charge sheet has been filed against him for offences under Sections 409, 467 and 471 of the Indian Penal Code for misappropriating the amount of a money order entrusted to him by forging the thumb impression of the payee in the money order form and using the forged document by returning it to the post office in token of payment.

2. The offences were committed on 10th April, 1939, that is, before the relevant date as defined in Section 270, Clause 3 of the Government of India Act, which in relation to acts done by persons employed about the affairs of the Government of India is the date of the establishment of the Federation, and being a servant of the Crown in a department of the Central Government the petitioner would unquestionably be a person employed in connection with the affairs of the Government of India. Section 270(1) provides that no proceedings civil or criminal

shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India before the relevant date except with the consent in the case of a person who was employed in connection with the affairs of the Government of India, of the Governor-General in his discretion and the forged document was used in the execution of the duty of the petitioner as Postman of returning the paid money order forms to the Post Office in token of having made the payment. The consent of the Governor-General is therefore necessary for the prosecution for the offence under Section 471 of the Indian Penal Code, but there is no bar to the trial of the offence under Sections 409 and 467 of the Indian Penal Code, and the trial can proceed in respect of these charges.

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