

In Re: Kondepu China Rangiah

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Court : Chennai

Decided On : Aug-19-1942

Reported in : AIR1943Mad170; (1942)2MLJ615

Appellant : In Re: Kondepu China Rangiah

Judgement :

ORDER

Horwill, J.

1. An amin of Bezwada, where a Subordinate Judge's Court and a District Munsiff's Court are situated, was executing a decree of the District Munsiff's Court, when the petitioner is said to have carried away the property which the amin had attached and in other ways obstructed him. The amin reported the matter when he returned; and the District Munsiff whose decree he was executing thereupon filed a complaint in the local First Class Magistrate's Court; and he transferred it to the Stationary Sub-Magistrate who is now trying the petitioner on charges under Sections 183 and 186 Indian Penal Code.

2. The point taken in this revision application is that the com-plaint was not filed by a duly authorised person. When a public servant is obstructed in the exercise of his duties he himself can complain or any person to whom he is subordinate. In a general way amins are of course subordinate to District Munsiffs; but in this particular case the Nazarat at Bezwada was under the charge and direction of the

Nazir, subject to the supervision and control of the Subordinate Judge. When the District Munsiff wishes a process to be executed he sends it to the Nazarat for necessary action; but neither the Nazir nor the process staff are under the supervision and control of the District Munsiff. The amin was not therefore the subordinate of the District Munsiff. The complaint could have been filed by the amin himself, or by the Nazir (who is the person who generally files a complaint in such cases), or by the Subordinate Judge, or, of course, by any of the superiors of the Subordinate Judge; but not by the District Munsiff.

3. This petition is allowed and the Sub-Magistrate ordered to return the complaint to the District Munsiff. The amin himself or the Nazir or the Subordinate Judge or any officer superior to the Subordinate Judge may of course file a complaint.

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