

The Queen Empress Vs. Sama Papi

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Court : Chennai

Decided On : Dec-17-1883

Reported in : (1883)ILR7Mad287

Judge : Charles A. Turner, Kt., C.J. and ;Hutchins, J.

Appellant : The Queen Empress

Respondent : Sama Papi

Judgement :

Hutchins, J.

1. We see no ground to interfere in this case. A Village Munsif is not a Police officer and the District Magistrate is not right in inferring from Section 7 of the Village Cess Act that he is a Police officer. The confession made to him was not, therefore, inadmissible under Section 25 of the Evidence Act, and, since the woman was not in custody at the time (the Police had not even come to the village), it cannot be excluded under Section 26.* There is no doubt that the woman was dragged out of the water and the Magistrate believed the account which she gave to the Munsif as to how she got there, and evidently did not believe that the other witnesses were telling the whole truth.

*Confession made by accused while in custody of Police not to be used as evidence.

[Section 26: No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.]

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