

**Queen-empress Vs. Nagappa**

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**SooperKanoon Citation :** [sooperkanoon.com/789804](http://sooperkanoon.com/789804)

**Court :** Chennai

**Decided On :** Mar-28-1893

**Reported in :** (1893)ILR16Mad461

**Judge :** Shephard and ;Best, JJ.

**Appellant :** Queen-empress

**Respondent :** Nagappa

**Judgement :**

**Best, J.**

1. Section 476 says that the Court before which the offence is committed may send the case for inquiry or trial to the nearest Magistrate of the first class. The words 'having jurisdiction to try such offence' are not to be found in the Section. Such being the case, it is to be assumed that the order making the transfer is of itself sufficient to confer jurisdiction.

2. The second clause of Section 476 authorizes the first-class Magistrate, to whom a case is thus sent, to 'transfer the inquiry or trial to some other competent Magistrate.' I fail to see anything illegal in these proceedings.

**Shephard, J.**

3. The substitution of the description 'nearest' 'for having power to try' is significant.  
I agree that the transfer was not illegal.

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