

Queen-empress Vs. Paranga

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SooperKanoon Citation : sooperkanoon.com/789901

Court : Chennai

Decided On : Mar-29-1893

Reported in : (1893)ILR16Mad463

Judge : Muttusami Ayyar and ;Shephard, JJ.

Appellant : Queen-empress

Respondent : Paranga

Judgement :

ORDER

1. We do not think the accused was bound to appear before the Magistrate at a place outside British territory. The Indian Penal Code applies only to criminal acts done in India under Section 2, except in the special cases mentioned in Section 3. If the Magistrate had ordinarily power to summon witnesses to attend at a place outside British India, the act of disobedience would then be done in foreign territory and amount to an offence over which he would have no jurisdiction. The proper construction of Section 174 is that the place where a witness is summoned to attend must be in British India.

2. We direct that the conviction and sentence be set aside, and the fine levied be refunded.