

**In Re: Ramanuja Aiyangar**

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**SooperKanoon Citation :** [sooperkanoon.com/792935](http://sooperkanoon.com/792935)

**Court :** Chennai

**Decided On :** Oct-17-1940

**Reported in :** (1940)2MLJ830

**Appellant :** In Re: Ramanuja Aiyangar

**Judgement :**

ORDER

**Lakshmana Rao, J.**

1. The petitioner has been charged under Rule 38(1)(a) of the Defence of India Rules for doing a prejudicial act within the meaning of Rule 34(6)(e) and (k) and a report in writing of the facts has been made by a public servant as required by Rule 130(1). Section 3 of the Defence of India Act enacts that rules made for the arrest and trial of persons contravening any of the rules shall have effect notwithstanding anything inconsistent therewith contained in any other enactment and Section 1, Clause (2) of the Code of Criminal Procedure provides that nothing therein shall affect any special form of procedure prescribed by any other law for the time being in force. That the prejudicial act might amount to sedition which according to Section 196 of the Code of Criminal Procedure cannot be taken cognizance of by any Court unless upon the complaint made by order of or under the authority of the Provincial Government has therefore no bearing and the objection to the competency of the Sub-Divisional Magistrate to take cognizance of the offence under Rule 38(1)(a) of the Defence of India Rules is untenable. The

revision petition therefore fails and is dismissed.

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