

In Re: Guruswami Chettiar and ors.

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SooperKanoon Citation : sooperkanoon.com/796879

Court : Chennai

Decided On : Aug-08-1940

Reported in : AIR1941Mad323; (1940)2MLJ1063

Appellant : In Re: Guruswami Chettiar and ors.

Judgement :

ORDER

Lakshmana Rao, J.

1. The complaint against the first accused is only under Section 403 of the Indian Penal Code and accused 2 to 4 were not parties to the proceedings under the Legal Practitioners' Act. A complaint of the Court is not necessary for prosecuting these accused for an offence under Section 467 of the Indian Penal Code nor does any question of evading the provisions of Section 195 of the Code of Criminal Procedure arise as in Appadurai Nainar, In re : (1935)69MLJ812 . The Court was Moved to make a complaint against them and the making of a complaint by the Court for an offence under Section 193 of the Indian Penal Code was considered unnecessary as accused 2 to 4 could be prosecuted for the graver offence under Section 467 of the Indian Penal Code without a complaint of the Court There is therefore no ground for interference and the revision petition is dismissed.