

In Re: Payini Chellaya

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SooperKanoon Citation : sooperkanoon.com/798130

Court : Chennai

Decided On : Feb-09-1909

Reported in : 1Ind.Cas.248

Judge : Wallis and ;Munro, JJ.

Appellant : In Re: Payini Chellaya

Judgement :

ORDER

1. We are of opinion that statements of a defamatory character made by an accused person in the course of the statement which he is invited to make under Section 342, Criminal Procedure Code, must be considered privileged. In Hayes v. Christian 15 M.k 414 it was laid down that statements made by an accused person or his counsel in the ordinary course of his defence are privileged, but it was held that such privilege did not protect defamatory statements against a witness interjected during the examination of such, witness by the accused who was represented by counsel. Such statements, in the opinion of the Court, could not be held to have been made in the ordinary course of a legal proceeding and were, therefore, not entitled to privilege. In the present case we think the complaint was rightly dismissed.