

In Re: Davaluri Virayya

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SooperKanoon Citation : sooperkanoon.com/799232

Court : Chennai

Decided On : Mar-19-1909

Reported in : 1Ind.Cas.560

Judge : Abdur Rahim, J.

Appellant : In Re: Davaluri Virayya

Judgement :

ORDER

Abdur Rahim, J.

1. As pointed out by the referring Magistrate, the order of the Sub-Magistrate was quite unjustified. The Sub-Magistrate refers to Section 480, Criminal Procedure Code, but he had power only to deal with the accused under that section if he committed one of the offences enumerated therein. It is rather surprising that because the accused walked with creaking shoes on his feet near the Court room of the Sub-Magistrate, the latter should have come to the conclusion that the accused intended to insult him or interrupt him in his work. The conviction in this case, as rightly suggested by the referring Magistrate, is an abuse of the power conferred by the Legislature on Courts to punish wilful acts of contempt or interference with the due discharge of judicial duties.

2. The conviction and sentence are, therefore, set aside, and the fine, if paid, will be refunded.

