

In Re: Ravri Manikyam and ors.

In Re: Ravri Manikyam and ors.

SooperKanoon Citation : sooperkanoon.com/801496

Court : Chennai

Decided On : Sep-07-1917

Reported in : AIR1918Mad164; 43Ind.Cas.95

Judge : Spencer, J.

Appellant : In Re: Ravri Manikyam and ors.

Judgement :

ORDER

1. It is clear that the Magistrate has made no final order under Chapter XII of the Code of Criminal Procedure.
2. He says in his proceedings of July 17th: 'I refrain from taking proceedings under either of the aforesaid sections (Sections 145 or 107 of the Code of Criminal Procedure) just at present'. 'If the counter-petitioners persist in interfering with the petitioners' possession of the mil), I shall be constrained to institute regular proceedings under Section 107 of the Cede of Criminal Procedure; but I hope and trust that they will refrain from doing so I wish to make it clear that I am not actually issuing an order, disobedience to which is ipso facto a criminal offence'.
3. Also it does not appear that he issued any order, as is required by Section 145(6) forbidding all disturbance of the possession, of the successful party until eviction, in, due course of law.

4. The Magistrate in fact stopped the proceedings that he commenced under Section 145, and stated in writing what his opinion was as to the documents produced in the case and as to their legal effect; but I do not find that he exercised his powers as a Magistrate and passed any order authorised by, any section of the Code of Criminal Procedure, There is no award of possession to either party. Under these circumstances, I must decline to interfere under Sections 435 and 439 of the Code of Criminal Procedure, I dismiss the petition.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com