

In Re: W.B. Lawrence, Public Prosecutor

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Court : Chennai

Decided On : Jan-23-1911

Reported in : 9Ind.Cas.255

Judge : Arnold White, C.J., ;Munro and ;Sankaran Nair, JJ.

Appellant : In Re: W.B. Lawrence, Public Prosecutor

Judgement :

ORDER

1. Mr. Richards, the District. Magistrate and Justice of the Peace, Civil and Military Station, Bangalore, has held that he has no jurisdiction to take cognizance of the case by reason of the words of proviso 4 to the Notification of 7th October 1898 No. 102683 I.A. The proviso runs: 'Provided fourthly, that nothing in the said Code as now applied shall be deemed to apply to proceedings against European British subjects.' The proviso is, no doubt, ambiguous, but, reading it by the light of the language used in the Notification of 1st March 1883 No. 5291, which Notification is in terms re-produced as regards the Civil and Military Station by the Notification of 7th October 1898, we think we are warranted in placing a construction upon the proviso, which would not have the effect of defeating what seems to us to be the intention of the Governor-General in Council.

2. The Notification of 1st March 1883 applied to the Civil and Military Station of Bangalore, the whole of the Code of Criminal Procedure, 1882, with the exception (among other things) of so much of the Code as applied to European British

subjects.

3. We think the intention of the Governor-General in Council in issuing the Notification of 7th October 1898 was to re-produce the effect of the language used in the Notification of 1st March 1883 so far as regards this exception. The result is, the general provisions of the Code of Criminal Procedure with the specified exceptions apply and Mr. Richards, as District Magistrate, has jurisdiction to take cognizance of and try the offence in accordance with the provisions of the Code.

4. As the record of the present case is before us, in the exercise of our powers of revision, we set aside the order of the District Magistrate, dated 17th January 1911 and direct him to take cognizance of the case.

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