

In Re: Latchumana Talavan and ors.

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SooperKanoon Citation : sooperkanoon.com/803750

Court : Chennai

Decided On : Jan-07-1910

Reported in : 5Ind.Cas.807

Judge : Ralph Benson and ;Abdur Rahim, JJ.

Appellant : In Re: Latchumana Talavan and ors.

Judgement :

ORDER

1. The order of the Deputy Magistrate in appeal directing the execution of a bond tinder Section 106, Criminal Procedure Code, is illegal as the convicting Court was a 2nd Class Magistrate and, therefore, not a Magistrate who could make an order under that section; Muthiah Chetti v. Emperor 29 M. 190 : 3 Cri. L.J. 461 and Paramasiva Pillai v. Emperor 30 M. 48 : 1 M.L.T. 403 : 5 Cri. L.J. 88. We, therefore, set aside this order of the Deputy Magistrate.