

In Re: Abdur Shukur Sahib

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SooperKanoon Citation : sooperkanoon.com/809806

Court : Chennai

Decided On : Aug-05-1942

Reported in : AIR1943Mad500; (1943)1MLJ409

Appellant : In Re: Abdur Shukur Sahib

Judgement :

ORDER

Horwill, J.

1. The accused was charged by the police with preferring a false and frivolous charge against police officials at Polur.
2. The accused sent a petition containing various allegations, which were subsequently found to be false, to the District Superintendent of Police. His letter was posted at Polur and apparently opened by the District Superintendent of Police at Vellore. The Post Office, therefore, acted as the agent of the accused in carrying this letter to the District Superintendent of Police at North Arcot; and the effect was the same as if the accused had handed over the letter in person to the District Superintendent of Police at Vellore. The false or frivolous charge was therefore made at Vellore and not at Polur. It therefore follows that the Magistrate having jurisdiction would be the Magistrate at Vellore.
3. The petition is therefore allowed and the Magistrate ordered to return the charge-sheet to be presented to the Magistrate having jurisdiction.

