

**In Re: Muthuswami Udayan**

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**SooperKanoon Citation : [sooperkanoon.com/811168](http://sooperkanoon.com/811168)**

**Court : Chennai**

**Decided On : Mar-13-1941**

**Reported in : AIR1941Mad761**

**Appellant : In Re: Muthuswami Udayan**

**Judgement :**

**ORDER**

**Lakshmana Rao, J.**

1. The petitioner was the Village Munsif of Chetput and he collected Rs. 2-7-0 from P.W. 2 on 15th March 1937 and one rupee from P.W. 3 on 17th April 1937. The amounts were remitted to the treasury on 21st May and 24th April 1937 respectively before any complaint was received and retention of the amount in the interval would not by itself justify the conviction under Section 409, Penal Code. The conviction of the petitioner under Section 409, Penal Code, is therefore set aside and the fine if levied will be refunded.