

**In Re: Munnikilavan and ors.**

**In Re: Munnikilavan and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/811480](http://sooperkanoon.com/811480)

**Court :** Chennai

**Decided On :** Jun-18-1971

**Reported in :** (1971)2MLJ237a

**Appellant :** In Re: Munnikilavan and ors.

**Judgement :**

ORDER

1. The three petitioners question the propriety of their convictions Under Section 34 (6) of the Police Act (V of 1861) for the offence which may be described compendiously as being found riotous. It has been argued on behalf of the petitioners that the offence proved against the petitioners took place in the village Kalakudi which cannot be described as any 'town' within the meaning of Section 34 of the Police Act, 1861. It is conceded by the learned Advocate-General that the village Kalakudi is not a 'town' within the meaning of Section 34 of the Act. It is totally unnecessary to examine the scope of Section 46 of the Act, which provides for the extension of the whole or any part of this Act to any presidency, State or place, and also the terms of G.O.Ms. No. 3204, Home Department (Government of Tamil Nadu), dated 15th November, 1955.

2. It is on the short ground of want of proof of the ingredient 'town' in relation to Kalakudi village wherein the offence is stated to have been committed, this petition has got to be allowed.

3. The convictions of the petitioners are quashed and their sentences are set aside. Fines, if paid, are directed to be refunded to them. The revision petition is allowed.

4. Obviously Section 34 of the Police Act cannot be resorted to by the prosecuting authorities in respect of offences committed in villages which cannot be deemed to be 'towns' within the meaning Section 34 of the said Act.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**