

Sawminatha thevan Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/812167

Court : Chennai

Decided On : May-03-1912

Reported in : 14Ind.Cas.767

Judge : Sundara Aiyar, J.

Appellant : Sawminatha thevan

Respondent : Emperor

Judgement :

ORDER

Sundara Aiyar, J.

1. The conviction in this case cannot be sustained. The accused merely stated that he suspected the complainant of theft and mentioned the facts on which his suspicion was based. Section 211, Indian Penal Code, requires that there should be an institution of a criminal proceeding by the accused against the complainant. The expression of a suspicion did not amount to the institution of a criminal charge. The Police, no doubt, acted upon his suspicion and took steps to prosecute the complainant. The accused cannot be held responsible for this. I must set aside the conviction and sentence; the bail-bond of the accused will be cancelled, and the fine, if paid, will be refunded.

