

Munigadu Vs. Emperor

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Court : Chennai

Decided On : Mar-06-1925

Reported in : AIR1925Mad1144

Appellant : Munigadu

Respondent : Emperor

Judgement :

ORDER

Devadoss, J.

1. This is an application to revise the order of the Panchayat Court, convicting the petitioner and sentencing him to pay a fine of Rs. 2. The contention of Mr. Somayya for the petitioner is that the jurisdiction of the Panchayat Court depends upon the amount of loss or damage caused by mischief. If the loss or damage exceeds Rs. 10, that Court would have no jurisdiction. Under Section 76 of the Madras Act, II of 1920 a Panchayat Court is empowered to try, among other offences, one under Section 426, Indian Penal Code when the loss or damage caused thereby does not exceed Rs. 10, and under the same section, the Court is bound to mention the amount of loss or damage caused by mischief. In this case, there is no mention of the value of one amount of loss or damage by mischief alleged to have been committed by the petitioner. The Public Prosecutor contends 'that the provisions of the Cr.P.C. ought not to be made applicable in revising the

proceedings before the Panchayat Court. No doubt the provisions of the Criminal P.C. are not made applicable to Panchayat Courts. I do not think the High Court can interfere with the order of the Panchayat Court under Sections 435 and 439 of the Code. But under Section 107 of the Government of India Act, the High Court has powers of supervision over all criminal and civil Courts in the Presidency and when a grave error of a panchayat Court which is not governed by the provisions of the Cr.P.C. appears on the face of the record the powers given by Section 107 of the Government of India Act could be invoked to correct such error. In this case, as the value of the loss or damage caused by mischief affects the jurisdiction of the Court, I think, the High Court ought to interfere for the purpose of correcting the error committed by the Panchayat Court. As no vakil is allowed to appear in the Panchayat Court, this point was not specifically raised in that Court. I think that is one of the reasons for the High Court not hesitating to correct the errors of Panchayat Courts; otherwise the Panchayat Courts might convict persons or pass orders in a way not sanctioned by the law I set aside the conviction and direct the Panchayat Court to re-try the case having regard to the remarks made in this judgment.

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