

(1892) 01 MAD CK 0012
In the Madras High Court

Abdul Khadar and Others

APPELLANT

Vs

Meera Saheb

RESPONDENT

Date of Decision : 15-01-1892

Acts Referred:

Citation : (1892) ILR (Mad) 224

Hon'ble Judges : Shephard, J;Parker, J

Bench : Division Bench

Judgement

1. The District Munsif purports to be acting u/s 478, Criminal Procedure Code. The words ""any such offence"" relate to offences referred to in

Section 195, and such of those offences as fall under Sections 403 and 471, Indian Penal Code, must have been committed by a party to any

proceeding in any Court in respect of ""a document given in evidence in such proceeding.

2. In the present case a decree against defendants Nos. 2, 3 and 5 has been passed upon the oath of the plaintiffs. The suit as against fourth

defendant is still undisposed of, and the documents, alleged to be forgeries have been put into Court, but are not yet given in evidence, inasmuch as

the suit had not been tried.

3. It is not competent to the Court to go beyond the record--Zamindar of Sivagiri v. The Queen ILR 6 Mad. 29

4. We have no doubt as to the power of the High Court to interfere on revision.

5. The proceedings of the District Munsif must be set aside and the present prosecution dropped.