

(1904) 03 MAD CK 0001
In the Madras High Court

Athangarayan

APPELLANT

Vs

Gopalan Chetty

RESPONDENT

Date of Decision : 29-03-1904

Acts Referred:

Citation : 4 Ind. Cas. 1056

Hon'ble Judges : Davis, J;Benson, J

Bench : Division Bench

Judgement

1. The Village Magistrate was not acting as a Judge when the alleged extortion was committed. See Kandasami Chetty v. Soli Gounden 23 M.

540.

2. No sanction was, therefore, necessary. The orders of the Courts below requiring sanction are the cause of the delay that has occurred since the

offence was committed, and we, therefore, cannot refuse to interfere on the ground that the Judge's order was passed so long ago as February

1903. We set aside the order of the Sub-Magistrate dismissing the complaint for want of sanction, and we direct him to restore the case (C.C.

No. 415 of 1902) to his file and to dispose of it according to law.