

(1945) 10 MAD CK 0029

In the Madras High Court

In Re: C. Ramachandra Rao

Date of Decision : 26-10-1945

Acts Referred:

Citation : AIR 1946 Mad 96 : (1945) 58 LW 637 : (1945) 2 MLJ 546

Hon'ble Judges : Kuppuswami Aiyar, J

Bench : Division Bench

Judgement

Kuppuswami Aiyar, J.—The only question for determination is whether sanction is necessary before the accused could be prosecuted. The prosecution was at the instance of a maistry of scavengers employed in the municipality of Chicacole, and the petitioner, the accused, was a Health Officer of that Municipality. The scavengers alleging that they had some grievances when the salary was being distributed one evening, instead of receiving the salary they made a hubbub and created some disturbance. The Health Officer was put out and when he noticed the maistry whose duty he thought it was to prevent these people from creating trouble, abused him and took him to task for not having prevented the people from creating disturbance, and is also said to have beaten him. That is the gist of the complaint. For the accused it was stated that a prosecution like this cannot be launched without sanction. It was pleaded in the lower Court that sanction was required u/s 197 of the Criminal Procedure Code. It was contended by the prosecution, that as he was not an officer who could be removed only by the Local Government, no sanction was necessary. But then, apart from Section 197 of the Criminal Procedure Code u/s 142 of the Public Health Act, since the act of beating and abusing was said to have been done by the accused in the municipal buildings to a servant who was a subordinate of the municipality, the act must be considered to have been done in the discharge of his duties and consequently Section 142 of the Public Health Act would apply and sanction would be necessary. I therefore find that the prosecution cannot lie without sanction u/s 142 of the Public Health Act.

2. The Revision Petition is accordingly allowed, and the proceedings will be quashed, as admittedly no sanction has been obtained.