

(1901) 10 MAD CK 0011
In the Madras High Court

King-Emperor

APPELLANT

Vs

Balu Kuppayyan

RESPONDENT

Date of Decision : 28-10-1901

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 517

Citation : (1902) ILR (Mad) 525

Hon'ble Judges : Bhashyam Ayyangar, J;Benson, J

Bench : Division Bench

Judgement

1. The documents in question are, as we understand the case, in the legal custody of the Collector, having been sent to him u/s 38(2) of the Stamp

Act. The Collector will have to return them to the Deputy Magistrate u/s 40(3) of the same Act. When they have been so returned, the Deputy

Magistrate may dispose of them u/s 517, Criminal Procedure Code, and we have no doubt that he will do so without any unnecessary delay.

2. We have no authority to order the return of the documents to the party at this stage unless the action of the Deputy Magistrate in impounding

them u/s 33(2)(a) of the Stamp Act was illegal. It is argued that the action of the Deputy Magistrate was illegal, because the documents did not

come before him in the performance of his functions within the meaning of Section 33(1), but we are unable to accept this contention. The word

comes"" is sufficiently wide to include the production of documents under a search-warrant issued by the Magistrate.