

(1893) 08 CAL CK 0016
In the Calcutta High Court

Lukhi Narain Roy Chowdhry

APPELLANT

Vs

Radha Madhub Santra and Others

RESPONDENT

Date of Decision : 22-08-1893

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 373

Citation : (1894) ILR (Cal) 428

Hon'ble Judges : O'Kinealy, J;Ameer Ali, J

Bench : Division Bench

Judgement

Ameer Ali, J.—This is an appeal from the decision of the District Judge of Cuttack, dated the 6th of January 1892, reversing the decision of the Deputy Collector.

2. The narrow point for decision in this case is whether Section 373 of the Code of Criminal Civil Procedure applies to suits before the Revenue authorities under Act X of 1859.

3. We think the point has been virtually decided by the reasoning in the Full Bench decision in Nagendro Nath Mullick v. Mathura Mahun Parhi ILR Cal. 368, in which it was held that Act X of 1859, where it is still in force, is a complete Code in itself.

4. We, therefore, think that the decision of the Lower Appellate Court is correct, and that this appeal should be dismissed with costs.