

**(1892) 08 MAD CK 0016**  
**In the Madras High Court**

Marudayya Pillai and Others

APPELLANT

Vs

Ravutha Perumal Pillai

RESPONDENT

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**Date of Decision :** 30-08-1892

**Acts Referred:**

Criminal Procedure Code, 1898 (CrPC) — Section 195  
Penal Code, 1860 (IPC) — Section 463

**Citation :** (1892) 2 MLJ 286

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**Judgement**

1. The objection to the jurisdiction of the 2nd Class Magistrate is clearly untenable. The charge is one of forgery and it is argued that because the document in respect of which the forgery is alleged was registered, therefore the sanction of the registrar before whom it was registered is necessary for the prosecution u/s 195 of the Criminal Procedure Code.

2. Clause (c) of that section provides that no court shall take cognizance of any offence described in Section 463, Indian Penal Code (forgery) " when such offence has been committed by a party to any proceeding in any court in respect of a document given in evidence in such proceeding except with the previous sanction or on the complaint of such court." It has been held (Atchayya v. Gangayya I. L. R 15 M 138) that a registrar, acting under Sections 72-75 of the Registration Act is a court within the meaning of this section but it has never been hold, and there seems no reason for so holding, that a registrar in exercising his ordinary functions of registering a document the execution of which is not denied is a court within the meaning of the section.

3. We hold that the sanction of the registrar was not necessary to the prosecution in this case and dismiss this petition.