
(1903) 01 MAD CK 0004
In the Madras High Court

Muhammad Bavu Sahib

APPELLANT

Vs

The District Judge of Madura

RESPONDENT

Date of Decision : 29-01-1903

Acts Referred:

Citation : (1903) ILR (Mad) 596 : (1903) 13 MLJ 272

Judgement

1. Notice was issued to the District Judge, but the Government Pleader does not appear. Objection is taken by the petitioners to the action of the

District Judge on the ground that he acted on affidavits. We think that it was open to the District Judge, under Sections 194, 195 and 647, Civil

Procedure Code, to act upon affidavits filed in support of the application made by the Vakils to have the petitioners declared to be law touts;

though in a matter of this kind we think it would have been more regular and satisfactory to have examined the deponents in Court as witnesses.

We observe, however, that no objection was taken before the District Judge on this score, nor did the petitioner even apply as they might have

done to have the deponents examined or cross-examined in Court. We must, therefore disallow this objection. We, however observe that the

District Judge acted in excess of his jurisdiction in extending the operation of this order to the Criminal Courts in the District other than his own

Sessions Courts. Section 36 of the Legal Practitioners Act, only gives him jurisdiction in his own Court and in Courts subordinate to him.

2. u/s 17(1) and (5) of the Criminal Procedure Code, neither the District Magistrate nor the other Magistrates are subordinate to the Sessions

Judge except so far as is expressly provided by the Criminal Procedure Code.

3. We must, therefore u/s 622 CPC cancel so much of the order as relates to the

Courts of the District and other Magistrates.