
(1892) 09 MAD CK 0016
In the Madras High Court

Queen-Empress

APPELLANT

Vs

V. Govinda Pillai

RESPONDENT

Date of Decision : 01-09-1892

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 161

Citation : (1893) ILR (Mad) 235

Hon'ble Judges : Handley, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. We think that the Sessions Judge is right in holding that the principle of the decision in Manjaya v. Sesha Shetti ILR 11 Mad. 477 is applicable

to the case of persons making statements in the course of an investigation by a Police officer. Such persons are bound by Section 161, Criminal

Procedure Code, to answer truly all questions put to them, except such as tend to criminate themselves, and are therefore entitled to the protection

which the law gives to witnesses. Accused, in the present case, made the statement, on which the defamation is laid in answer to a question by the

Police Constable, and we think, under the principles laid down in the above decision, his statement is a privileged communication.

2. The conviction is set aside, and the fine, if paid, is to be refunded.