

(1904) 01 MAD CK 0004
In the Madras High Court

Sabapathi Mudali

APPELLANT

Vs

Kuppusami Mudali and Another

RESPONDENT

Date of Decision : 07-01-1904

Acts Referred:

Penal Code, 1860 (IPC) — Section 241
Railways Act, 1890 — Section 131

Citation : (1905) 15 MLJ 225

Judgement

1. Though a revision petition against an order of acquittal is not as a general rule entertained, we are of opinion that in this case the petition should

be entertained as it is very clear that the accused acted most arbitrarily in a high-handed and haughty manner towards the petitioner. The offence

u/s 426 will probably not stand. But upon the evidence in the case which is not contradicted and upon the facts admitted or not denied the accused

were both guilty u/s 504 and the first accused also u/s 342, and neither of them is a summons case. The acquittal u/s 253 (sic) Criminal Procedure

Code is clearly illegal and the Second Class Magistrate's procedure and conduct in dealing with the case is anything but creditable. The petitioner

was grossly insulted by the first accused the Station-master and his brother the second accused who, it appears, is not a Railway servant. He was

wrongfully restrained or confined by the first accused for several hours and was unjustly prosecuted before the police on a complaint preferred by

the first accused apparently u/s 241 of the Indian Penal Code in respect of two Anna pieces which were delivered by him to the second accused

for purchasing Railway tickets to Madras, and which pieces were perfectly genuine but were bent and retained by the accused as counterfeit coin.

The case against the complainant was of course thrown out and the Police

obtained the sanction of the Magistrate to prosecute the accused u/s

211 for preferring a false charge against the complainant but for some reason or other the Police dropped the matter and the complainant on

learning of this preferred the present complaint against the accused charging them with offences under Sections 342, 426 and 504. The Magistrate

strangely deals with the case as altogether a summons case and acquits the accused. Section 131 of the Indian Railways Act IX of 1890 which

empowers Railway servants to arrest persons in certain cases is altogether inapplicable to this case.

2. We must, therefore, set aside the acquittal and direct the case to be restored to the file and proceeded with according to law by some other

competent Magistrate to be specified by the District Magistrate.