

(1937) 09 MAD CK 0044
In the Madras High Court

Sina Thana Navana Nachiappa Chetty	APPELLANT
Vs	
M. Nachiappa Chettiar	RESPONDENT

Date of Decision : 30-09-1937

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 503

Citation : (1938) ILR (Mad) 455 : 171 Ind. Cas. 931 : (1937) 46 LW 703 :
(1937) 2 MLJ 902

Hon'ble Judges : Lakshmana Rao, J

Bench : Single Bench

Judgement

Lakshmana Rao, J.—This is an application to revise an order of the District Magistrate refusing to issue a commission for the examination of a witness in Burma and the sole question for determination is whether the District Magistrate has jurisdiction to issue the commission. Section 503 of the Code of Criminal Procedure does not empower the District Magistrate to issue a commission for the examination of any witness beyond British India or the territories of any Prince or Chief in India, where there is an officer representing the British Indian Government: vide *Empress v. Moorga Chetty* 5 Bom. 338 and *Emperor v. Corporal Allen* 10 Cr.L.J. 571 : 4 Ind. Cas. 400 and it is not disputed that Burma has ceased to be part of British India. The existence of Magistrates in Burma to whom commissions might issue, if permissible, under the Code of Criminal Procedure has no bearing and it follows that the District Magistrate has no power to issue the commission. The Revision petition, therefore, fails and is dismissed.