

(1938) 09 MAD CK 0011
In the Madras High Court

Sivagami Ammal and Others

APPELLANT

Vs

Muthu Aiyar

RESPONDENT

Date of Decision : 22-09-1938

Acts Referred:

Child Marriage Restraint Act, 1929 — Section 10
Criminal Procedure Code, 1898 (CrPC) — Section 202

Citation : (1938) 48 LW 774 : (1939) 1 MLJ 111

Hon'ble Judges : Lakshmana Rao, J

Bench : Division Bench

Judgement

Lakshmana Rao, J.—Section 10 of the Child Marriage Restraint Act (XIX of 1929) provides that a Court taking cognisance of an offence

under that Act should either itself make an enquiry u/s 202 of the Code of Criminal Procedure or direct a Magistrate of the First Class Subordinate

to it to make such enquiry and the transfer of the case to the Sub-Divisional Magistrate for disposal according to law without any such inquiry is

illegal. Vide Mangal Ram v. Kalu I.L.R.(1930) 12 Lah. 383 and The Crown v. Chand Mal I.L.R.(1933) 15 Lah. 383. The complaint is therefore

transferred back to the file of the District Magistrate of Tinnevely for disposal according to law.