
(1939) 02 MAD CK 0008
In the Madras High Court

S.V. Subramania Pillai

APPELLANT

Vs

G.J. Ponniah

RESPONDENT

Date of Decision : 24-02-1939

Acts Referred:

Madras Local Boards Act, 1884 — Section 43

Citation : AIR 1939 Mad 569 : (1939) 49 LW 546 : (1939) 1 MLJ 729

Hon'ble Judges : Lakshmana Rao, J

Bench : Division Bench

Judgement

Lakshmana Rao, J.—The Sanitary Inspector of a Panchayat Board was held to be a public servant in Queen-Empress v. Tiruvengada

Mudali ILR (1998) 21 Mad. 428, because of Section 43 of the Madras Local Boards Act (V of 1884) which has been deleted in the Madras

Local Boards Act of 1920 (Act XIV of 1920) and it is not contended that as such officer, a Sanitary Inspector has any of the duties specified in

Clause 10 of Section 21 of the Indian Penal Code. It follows therefore that the Sanitary Inspector of a Panchayat Board is not a public servant as

defined in Section 21 of the Indian Penal Code and the fact that the Sanitary Inspector in this case was authorised by the President of the

Panchayat Board to collect fees for sealing animals before slaughter would not make him a public servant. The charge framed u/s 353 of the Indian

Penal Code is therefore quashed and the Magistrate will proceed with the case according to law on the footing that the Sanitary Inspector is not a

public servant.