

(1941) 10 MAD CK 0018
In the Madras High Court

The Public Prosecutor

APPELLANT

Vs

Kola Sahib of Wandiwash

RESPONDENT

Date of Decision : 10-10-1941

Acts Referred:

Citation : (1942) 1 MLJ 602

Hon'ble Judges : Horwill, J

Bench : Division Bench

Judgement

Horwill, J.—The petitioner was found by the Stationary Sub-Magistrate of Wandiwash to have sent a false report to the Deputy

Superintendent of Police, Tiruvannamalai, against the Circle Inspector of Wandiwash Circle and he was convicted u/s 47 of the Police Act and

sentenced to a fine of Rs. 50. The matter was taken in appeal to the Sub-Divisional First Class Magistrate of Cheyyar, who allowed the appeal on

the technical ground that the complaint was barred by time u/s 53 of the Police Act.

2. The learned Sub-Divisional Magistrate clearly made a mistake-in presuming that any period of limitation had been laid down for the bringing of

complaints of the nature with which we are concerned in this case. Section 53, says,

All actions and prosecutions against any person which may be lawfully brought for anything done or intended to be done either under the

provisions of this Act or under the provisions of any other law for the time being in force conferring powers on the police shall be commenced

within three months" of the act complained of . . .

The subject of this prosecution was not an act done under the provisions of the

Act, i.e., the Act does not make provision for the filing of a false complaint against police officers. Section 47, does not authorise an act,, but punishes certain acts against police officers...

3. The appeal is therefore allowed. As more than one year has elapsed since the accused was first sentenced, I think it is sufficient to meet the ends

of justice if he is fined Rs. 10. As he now admits the offence it is not necessary to send the appeal back to the Sub-Divisional Magistrate for re-

hearing.