

(1918) 12 BOM CK 0016

Bombay High Court

Case No: Criminal Application No. 283 of 1918

In Re Vasudeo Pundlik Samant

APPELLANT

Vs

RESPONDENT

Date of Decision: Dec. 6, 1918

Acts Referred:

- Bombay Village Police Act, 1867 - Section 14
- Criminal Procedure Code, 1898 (CrPC) - Section 1

Citation: AIR 1919 Bom 79 : (1919) 21 BOMLR 274 : 50 Ind. Cas. 491

Hon'ble Judges: Pratt, J; Heaton, J

Bench: Division Bench

Judgement

Heaton, J.

It appears that a complaint has been presented to the village Patil of Malwan against the Captain of a steamer. The allegation is that the Captain abused the complainant. It appears that this occurred on the steamer which was at some distance from the shore. Consequently it appears to us very doubtful whether the Patil has jurisdiction in the matter. For he only has jurisdiction u/s 14 of Bombay Act VIII of 1867 in the matter of a person charged with committing, within the limits of the village, petty assault or abuse. A mile and a half or two miles out at sea would hardly seem to be within the limits of the village.

2. We think, therefore, that these proceedings should be quashed, and though we may not have power under the Criminal Procedure Code to quash them having regard to the decision in [In Re: Dayal Kanji](#), yet we think we have power to do this under the general powers of superintendence which are conferred on us by the Letters Patent of this Court.

3. We, therefore, quash the proceedings before the Patil.

4. The District Magistrate suggested that the case should be transferred to some Magistrate whose powers have been conferred under the provisions of the Criminal Procedure Code. However, as I have already stated, we have decided to quash the proceedings so that the transfer is unnecessary. If the complainant is so minded, he can of course present a complaint to a regular Magistrate.

Pratt, J.

5. I concur. I would only add that in my opinion having regard to Section 1 of the Criminal Procedure Code which makes that Code inapplicable to village Police Officers we have no power of transfer u/s 526. Nor do I think that the case is one in which we should exercise this power under Clause 29 of the Letters Patent. The complainant, if so advised, would be at liberty to file an appropriate complaint before a Magistrate having jurisdiction, that is to say, if the facts he alleges constitute something more than abuse and do amount to an offence under the Penal Code.