

[APPELLATE CRIMINAL JURISDICTION.]

Criminal Review No. 53 of 1873.

REG. v. NAVRANBEG DULA'BEG.

1873
May 21.

False evidence—Jurisdiction—Contempt of Court—Crim. Proc. Code, Secs. 435, 436, 471, 472, and 473.

The offence of intentionally giving false evidence in a judicial proceeding cannot be tried by the Magistrate before whom the false evidence is given; this offence, being an attempt to pervert the proceedings of a Court to an improper end, is a contempt of its authority (Secs. 435, 436, 471, 472, and 473 of the Code of Criminal Procedure).

THE accused was convicted by W. R. Pratt, Magistrate F. C., at Ahmedabad, for intentionally giving false evidence before the Court of that officer, and sentenced to two years' rigorous imprisonment.

On examining the Criminal Returns of the Ahmedabad Magistrates for the month of January 1873, Melvill, J., directed the record and proceedings to be sent for, which having arrived, the case was heard by BAYLEY and WEST, JJ.

PER CURIAM:—The Court is of opinion that every attempt to pervert the proceedings of a court to an improper end is a contempt of its authority; and that giving false evidence is such an attempt. The offence, therefore, if committed before a Magistrate, cannot be tried by him. As such an offence is not in general exclusively triable by the Court of Session, it should, under Secs. 472 and 473 of the Code of Criminal Procedure, be sent for trial, if committed before the Court of Session, to a Magistrate. It is not likely, therefore, that it was intended that Magistrates should be able to try and convict in a similar case without the intervention of any other Court or authority. Under Sec. 297, therefore, the Court will annul the trial and order a new trial before a competent court, *i.e.*, either a First Class Magistrate or the Court of Session.

Proceedings annulled.