against a personal representative, we do not see why a decree should not lie under the Regulation, nor do we see any objection to a transferee of a decree obtaining execution of it. Both the above cases, so far as they are for small sums, are within the object and intention of the Regulation.

KALANDAN v. PAKRICHI. THAMMAYYA v. VENKANNA.

APPELLATE CIVIL—FULL BENCH.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, Mr. Justice Kernan, Mr. Justice Muttusámi Ayyar, Mr. Justice Brandt, and Mr. Justice Parker.

RÁMAN, PETITIONER,
and
PAKRICHI, RESPONDENT.*

1886. March 9, 31.

Regulation IV of 1816, *ss.* 29, 35—*Remedy confined to parties to Suit.*

The remedies provided by s. 35 of Regulation IV of 1816 against Village Múnsifs are confined to persons who are parties to suits before such Village Múnsifs.

APPLICATION under s. 622 of the Code of Civil Procedure to set aside an order of the Subordinate Judge of North Malabar passed on a petition presented by Acharath Pakrichi under ss. 29 and 35 of Regulation IV of 1816, complaining against the Village Múnsif of Tellicherry Amsham, Kunhi Ráman Náyar.

The Subordinate Judge (K. Kunjan Menon) awarded Rs. 25 damages and costs against the Village Múnsif.

This case being connected with Civil Revision Petition 288 of 1885 (1) was heard with it and disposed of by the Full Bench.

The facts necessary for the purpose of this report are as follows:—

The Village Múnsif (petitioner) having attached a house in execution of a decree passed by him in a suit to which Acharath Pakrichi (the respondent) was no party, she objected to the attachment on various grounds which were overruled by the Village Múnsif.

She thereupon complained to the Subordinate Judge that she had been injured by the conduct of the Village Múnsif.

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* Civil Revision Petition 355 of 1885. (1) See *ante* p. 378.

RÁMAN v. PARRICHI.

The Subordinate Judge held that she could not come in under s. 29 (1) of the Regulation, not being a party to the suit, but that she could complain under s. 35 (2) as being a party injured by an oppressive and unwarranted act within the meaning of that section.

Mr. *Michell* for petitioner.

The Acting Advocate-General (Mr. *Shephard*) for respondent.

The Full Bench (Collins, CJ., Kernan, Muttusámi Ayyar, Brandt and Parker, JJ). delivered the following

JUDGMENT:—We are of opinion that the words in s. 35 of Regulation IV of 1816 "by the party injured" must be restricted to parties to the suit, and cannot be applied, as they have been by the Subordinate Judge, to any and every person alleging that he has been injured by proceedings of a Village Múnsif under the Regulation.

Village Múnsifs are liable to prosecution "for corruption in the discharge of their trust," "by either party to the suit," and

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(1) The decisions of Village Múnsif's, either as Múnsif or arbitrator, shall not be carried into execution by them in less than thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakils; should either party present a petition to the Zila Judge within that period, charging the Village Múnsif with corruption or gross partiality, the Zila Judge shall order execution of the decree to be stayed, and if the charge of corruption or partiality be proved to the full satisfaction of the Zila Judge by the oaths of two credible witnesses at the least, he shall annul the decision.

(2) *First.*—Village Múnsifs shall be liable to prosecution in the Zila Court for corruption in the discharge of their trust by either party in the suit, and for any oppressive and unwarranted act of authority by the party injured, and upon proof of the charge to the satisfaction of the Judge, he shall in the first-mentioned case adjudge the offender to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable; but no Village Múnsif shall be liable to be prosecuted for want of form or for error in his proceedings or judgment; nor shall any process whatever be issued against a Village Múnsif who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the Judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act complained of.

Second.—The Zila Judge shall, on charges of corruption, fine the party by whom or for whom the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which the Village Múnsif may be proved to have so corruptly received.

Third.—If the corruption charged against any Village Múnsif shall not be proved to the satisfaction of the Zila Judge, he shall award full costs and such damages to the Village Múnsif as may appear to him equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

"for any oppressive and unwarranted act of authority by the party injured."

To a successful prosecutor on a charge of corruption three times the value of the money or property corruptly received may be awarded, and "to the party injured" damages and costs may be awarded: and not only may a Village Múnsif be mulcted for corruption, but also "the party by whom or for whom the corruption may have been practised," if privy to such corruption; in each instance in which the words are used in the section they appear to be used with reference to a party to the suit.

The Subordinate Judge had then no jurisdiction to award damages against the Village Múnsif in this case at the instance of a person who came in with a claim in respect of certain property attached by the former.

We should, moreover, have felt in any case constrained to hold that the Village Múnsif is not shown to have acted in an oppressive manner, even if his action was not warranted by law.

We must set aside the order and direct repayment to the Village Múnsif of the sum levied from him. We shall, however, allow no costs as it is stated that the Village Múnsif treated the representations of the claimant and the order of the District Múnsif with a want of due consideration.

APPELLATE CRIMINAL.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, and Mr. Justice Muttusámi Ayyar.

RA'MASA'MI

AGAINST

LOKANA'DA.*

1885. March 11. 1886. April 12.

Penal Code, s. 500, *Defamation—Newspaper libel—Act XXV of* 1867, *ss.* 5, 7—*Burden of proof—Statutes—*38 *Geo. III, c.* 78, *s.* 14—6 *& 7, Vict. c.* 96, *s.* 7.

On the prosecution of the editor of a newspaper for defamation under s. 500 of the Indian Penal Code by publishing a libel in his paper, an attested copy of a declaration made by the editor under s. 5 of Act XXV of 1867 to the effect that he was the printer and publisher of the newspaper, was produced in evidence by the com-

* Criminal Revision Case 438 of 1885.