

SIVA RAU
v.
VITTA
BHATTA.

defendants Nos. 2, 4 and 6, we reverse the decrees of the Lower Courts and direct that the suit be dismissed. In the circumstances we make no order as to costs.

APPELLATE CRIMINAL.

Before Mr. Justice Davies and Mr. Justice Moore.

QUEEN-EMPRESS

v.

TIRUVENGADA MUDALI.*

*Local Boards Act (Madras)—Act V of 1884, s. 43—Public servant—
Sanitary Inspector.*

A Sanitary Inspector appointed by the local board is a public servant within the meaning of the Local Boards Act, Madras, 1884, section 43.

for orders of the High Court, under Criminal Code, section 438, by J. K. Batten, Acting District Magistrate at Arcot, in Calendar Cases Nos. 245 and 246 Second-class Magistrate of Arni.

The Sanitary Inspector of Arni having been obstructed in the discharge of his duties prosecuted the person who obstructed him under the Indian Penal Code, section 188. The Sub-Magistrate held that the Sanitary Inspector was not a public servant and acquitted him. The Sub-Magistrate gave his reasons for his opinion

as follows:—The question is whether the Sanitary Inspector of any union is a public servant or not, for the purpose of Indian Penal Code. I consider that he is not, and the Deputy Magistrate is of opinion that he is.

The reasons for my considering him not to be a public servant are that he is not entrusted with the duty of collection of any tax, toll or fee as required by section 43 of Local Boards Act and section 21, clause 10, of the Indian Penal Code.

“Section 43 of Local Boards Act runs as follows:—