

QUARISHI
SAHIB
v.
BEGUM
SAHIBA.

shown that an application for sanction differs from other Criminal Proceedings. It is suggested that an application for sanction is merely preliminary to the making of a substantive complaint and that is true; but, at the same time, we must regard it as part of a Criminal Proceeding, since there is no justification for holding that it is not an essential stage in one.

In these circumstances we cannot agree with the lower Court that it was entitled to grant the sanction to the legal representative on a petition presented by that representative's predecessor. We must, therefore, revoke the sanction granted. We add only that it is no doubt open to the legal representative herself to apply for sanction if so advised; and we express no opinion as to the prospects of such application.

N. R.

APPELLATE CRIMINAL.

Before Mr. Justice Wallace.

1922,
September,
28. S. P. NATARAJA PILLAI (ACCUSED), PETITIONER.*

Madras City Police Act (III of 1888), sec. 53—Society for the Prevention of Cruelty to Animals, agent of—Indian Penal Code (Act XLV of 1860), sec. 21 (8)—Public servant.

An agent of the Society for the Prevention of Cruelty to Animals appointed, under Act III of 1888, a member of the Madras City Police force with respect to offences under section 53 of that Act only, is a public servant within the meaning of section 21 (8) of the Indian Penal Code.

Upendra Kumar Ghose v. The King-Emperor, (1906) 3 C.L.J., 475, followed.

PETITION under sections 435 and 439 of the Code of Criminal Procedure, 1898, and section 107 of the Government of India Act, praying the High Court to

* Criminal Revision Case No. 216 of 1922.

revise the order of J. NARAYANA REDDI, Second Presidency Magistrate, Georgetown, Madras, in Calendar Case No. 913 of 1922.

In re
NATARAJA
PILLAI.

The facts are briefly these : One N, an agent of the Society for the Prevention of Cruelty to Animals was appointed by the Commissioner of Police, a member of the Madras City Police force, and was vested with powers, functions and privileges of a public officer in respect of offences punishable under section 53 of Act III of 1888. He was charged by the Police under section 161, Indian Penal Code, with having received an illegal gratification in the discharge of his duties. It was contended on his behalf that he was not a public servant within the meaning of section 21, Indian Penal Code. The Second Presidency Magistrate overruled this contention. Against this order the accused preferred this Criminal Revision Case to the High Court.

V. Rajagopala Acharya, counsel for the petitioner.

Crown Prosecutor on behalf of the Crown.

ORDER.

WALLACE, J.—Petitioner, an agent of the Society for WALLACE, J.
the Prevention of Cruelty to Animals, has been appointed in respect of offences under section 53, Madras Act III of 1888, a member of the Madras City Police Force constituted under that Act. By virtue of that appointment he is empowered to arrest offenders under that section.

It appears to me clear that he is, so far as his inclusion in the Madras City Police force operates, an officer of Government, whose duty is to bring offenders to justice. He is therefore a public servant within the definition of section 21 (8) of the Indian Penal Code.

The case reported in *Upendra Kumar Ghose v. The King-Emperor*(1) is in favour of this view.

This petition fails and is dismissed.

K.U.L.