

of their discharge by the defendant-vendee caused to the plaintiffs doubt and uncertainty." This case does not appear to us to fall strictly within the ruling above quoted, and we are unable to lay down, as a rule of universal application, the principle that a plaintiff who claims too much or fails to admit reasonable deductions from his claim is therefore to be deprived of that to which he is legally entitled. It seems to us that each case should be dealt with on its own merits. We reverse the finding of the lower appellate Court on the preliminary point, and remand the case to that Court under s. 562 of the Code of Civil Procedure with directions to restore it to its place on the register of first appeals and dispose of it upon the merits. This appeal is decreed with costs.

Appeal decreed.

REVISIONAL CRIMINAL.

Before Mr. Justice Blair.

GANGA DEI v. SHER SINGH.

Criminal Procedure Code, s. 195—Sanction to prosecute—Sanction in respect of an offence committed in the course of a civil suit of over Rs. 5,000 in value—Appeal.

Where sanction to prosecute is granted in respect of one of the offences referred to in s. 195 of the Code of Criminal Procedure, such offence having been committed in the course of a civil suit, the valuation of such civil suit is immaterial to the question of the Court to which an application under s. 195 of the Code of Criminal Procedure for revocation of the order granting sanction will lie.

THE facts of this case are as follows:—

One Sher Singh, plaintiff in a civil suit before the Subordinate Judge of Shábjahánpur, applied to the Subordinate Judge's Court for permission to prosecute the defendant in the suit, Ganga Dei, for making false statements in, and not giving proper answers to, interrogatories administered under s. 121 of the Code of Civil Procedure. On this application the Court gave sanction for the prosecution of the defendant in the following terms—"Under the reasons given in this Court's judgment, dated 27th June 1893, the Court grants permission to the plaintiff to prove in the Criminal Court the defendant's false statement or the offence under s. 188 of the Indian Penal Code, or both offences, against her."

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The defendant applied to the District Judge for revocation of the above order, but the Judge, holding that, inasmuch as the suit in the course of which sanction had been granted was valued at more than Rs. 5,000, he had no jurisdiction in the matter, dismissed the application.

The defendant thereupon applied to the High Court for revision of the Subordinate Judge's order.

Mr. *J. Simeon*, for the applicant.

The Government Pleader (*Munshi Ram Prasad*), for the Crown.

BLAIR, J.—This is an application to this Court in the exercise of its revisional jurisdiction. In a civil suit before a Subordinate Judge for a sum largely in excess of 5,000 rupees certain interrogatories were alleged to have been falsely answered, or not properly answered, or not answered at all within the meaning of the Code of Civil Procedure. The learned Subordinate Judge who heard the suit granted sanction for the prosecution of the present applicant in terms which it is irrelevant here to discuss. Against that order the present applicant appealed to the District Judge. The learned District Judge rejected the appeal upon the ground that he had no jurisdiction to hear it. That order was based upon the impression that, the amount in dispute in the civil suit being such that an appeal in the civil suit was outside his jurisdiction, the learned Judge's Court was not the Court to which an appeal from the Subordinate Judge ordinarily lay within the meaning of s. 195 of the Code of Criminal Procedure. The learned Judge is mistaken. The amount at issue in the civil suit is wholly irrelevant. His Court was the ordinary Court of appeal from the decision in criminal matters made by the Subordinate Judge. The sanction in question was a sanction for criminal prosecution. The District Judge therefore was the proper tribunal to revoke or confirm such sanction. The order of the Judge dismissing the appeal is quashed. Let the case go back to the District Judge to hear and dispose of the appeal according to law. For the guidance of the District Judge he is referred to the Indian Law Reports, 2 Bombay, p. 384, and I. L. R., 2 Bom., p. 481.