

MADRAS HIGH COURT REPORTS.

APPELLATE JURISDICTION (a)

Criminal Petition No. 63 of 1871.

The RÁJAH OF VENKATAGERI.....*Petitioner.*

An application under Sec. 169 of the Criminal Procedure Code, praying for sanction to institute a prosecution on a charge of perjury, should, as a general rule, be first made to the Court before which the perjury is alleged to have been committed.

1871.
February 27.
C. P. No. 63
of 1871.

THIS was an application praying for sanction, under Section 169 of the Criminal Procedure Code, for the prosecution of one Hanumanta Ráu, on a charge that he had wilfully made false statements in the Civil Court of Nellore, at the hearing of Originally Suit No. 8 of 1869 on the file of that Court.

The *Acting Advocate General* and *Ráma Ráu*, for the petitioner.

This application coming on for hearing, the Court delivered the following

JUDGMENT:—As a general rule an application of this nature should, in our opinion, be first made to the Court before which the perjury is alleged to have been committed, and the circumstances of the present case do not require that it should be made an exception to the rule. We shall, therefore, dismiss this application, but without prejudice to a similar application being made to the Civil Court of Nellore.

(a) Present : Scotland, C. J. and Holloway J.
