

PREFACE.

THIS edition prepared on the same lines as the previous editions, has been thoroughly revised, enlarged and partly re-written. Great pains have been taken to simplify the subject as much as possible by a systematic arrangement of the commentaries, always keeping in view the exact wording of the sections. All the earlier decisions which did not find a place in this work before, for want of time and space, have now been incorporated in their appropriate places. Although the amendments and alterations in the Code since the general revision in 1923 are not many, the decisions of the various High Courts on the amended Code have been quite numerous and very often conflicting opinions have been expressed as to the scope, nature and extent of the changes in the law introduced by the amended Code of 1923. For example, the decisions on the interpretation of the amended S. 162 are many but there is a conflict of opinion as to the interpretation of the amended S. 162 with regard to the admissibility of oral evidence to prove statements made to the police during their investigation. All the amendments made since 1923 and the case-law, have been brought down to *1st January 1927*. To make the meaning of some of the sections clearer and the procedure to be followed easily understood, extracts are given in appropriate places from the Standard Works like *Archbold's Criminal Evidence, Practice and Procedure* and *Roscoe's Criminal Evidence and Practice* and *Forsyth's History of Trial by Jury*.

A bare perusal of the list of cases given will at once show that the number of cases cited in this edition has nearly doubled itself. The book has also grown somewhat bulky but to keep it less heavy and more handy, it is printed on antique paper specially manufactured for the purpose. All possible cross references to the cases cited are given to save time and labour of the busy practitioner. The general index has been revised and a number of new headings have been added to facilitate easy reference and also to add to the usefulness of the work. A tabular statement of the repeals and amendments up-to-date is added

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THIS edition prepared on the same lines as the previous editions, has been thoroughly revised, enlarged and partly re-written. Great pains have been taken to simplify the subject as much as possible by a systematic arrangement of the commentaries, always keeping in view the exact wording of the sections. All the earlier decisions which did not find a place in this work before, for want of time and space, have now been incorporated in their appropriate places. Although the amendments and alterations in the Code since the general revision in 1923 are not many, the decisions of the various High Courts on the amended Code have been quite numerous and very often conflicting opinions have been expressed as to the scope, nature and extent of the changes in the law introduced by the amended Code of 1923. For example, the decisions on the interpretation of the amended S. 162 are many but there is a conflict of opinion as to the interpretation of the amended S. 162 with regard to the admissibility of oral evidence to prove statements made to the police during their investigation. All the amendments made since 1923 and the case-law, have been brought down to *1st January 1927*. To make the meaning of some of the sections clearer and the procedure to be followed easily understood, extracts are given in appropriate places from the Standard Works like *Archbold's Criminal Evidence, Practice and Procedure* and *Roscoe's Criminal Evidence and Practice* and *Forsyth's History of Trial by Jury*.

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which will show at a mere glance which sections of the Code have been altered, amended or repealed.

Although the cost of production has increased considerably, in order to put this edition within the easy reach of all, especially junior members of the Bar, the Law students, and the Subordinate Magistracy and the Police, the price of the book has not been increased and has been kept down as low as possible.

The indulgence of the Bench and the Bar is specially craved for the errors and imperfections which must inevitably creep in, in a work of this magnitude dealing with thousands of decided cases, many of which are not easily reconcilable. It is hoped that the ready appreciation which this work has enjoyed before, in the hands of the Bench and the Bar and of the students, will be extended to the present edition as well.

My sincere thanks are due to Mr. W. T. Sundararajan, B.A., B.L., High Court Vakil, who has so kindly assisted me in the preparation of this edition.

"SWAMI VILAS,"
EGMORE,
1st January, 1927.)

S. RANGANADHAIYAR.

PREFACE (REPRINT SECOND EDITION).

THIS *reprint* has been necessitated, by the cordial reception accorded to the first edition of this work, which was almost exhausted in a few weeks after its publication in September last and also by the Government kindly placing a very large order for its supply to all the Courts and public offices in the Presidency. This is the first time the Government has thought fit to supply an edition of the Code *with Commentaries* to all the Courts and public offices, and it is hoped that this departure will be of real help to all those who have to administer the law.

The amended Code having been brought into force, rather suddenly, on the first September, 1923, the first edition had to be seen through the press hurriedly in two weeks and certain slips and errors in printing which had inadvertently crept in have all been corrected now.

"SWAMI VILAS,"
EGMORE,
30th November, 1923.

S. RANGANADHAIYAR.

PREFACE (FIRST EDITION).

THE object of this work is to present in a handy volume, a short, critical and explanatory commentary and not a mere collection of cases in the shape of disconnected notes, on the language of the sections of the Code as interpreted by the various High Courts, and it is hoped that it will not only be of some real help to the profession which has to familiarise itself with the amended Code, but also to the Law students and others who have occasion to make themselves acquainted with the provisions of the Code. Elaborate details and authority for every conceivable position which a practitioner may sometimes require and decisions of Courts other than the Chartered High Courts, including decisions of doubtful authority are generally avoided to save confusion to the busy practitioner and more especially to Law students and beginners. Great pains have been taken in the selection of cases; decisions which do not turn on the language of the sections of the Code,

PREFACE.

or, which merely repeat the wording of the section without any attempt to examine the same critically are ignored. As far as possible the very words used by the Learned Judges in their Judgments are extracted, and to save time and unnecessary labour and also disappointment which is more important, cases which are no longer Law on account of their being overruled by later cases, or, rendered obsolete by the new amendments, are prominently given in their appropriate places. Preference is given to the latest decisions and when a case is reported in the authorised series, reference to the authorised series alone is given and no cross-references to private publications are made. This mode of citation has the great advantage of reducing the size of the volume and making it very handy. The additions and alterations newly made in the Code, are printed in italics so that the change in the Law may readily be perceived. At the beginning of the commentary to each section, the change in the law is briefly summarised and the scope and object of the important sections are explained. All the reported decisions up to the end of August, 1923, which throw any light on the interpretation of the language of the sections of the Code have been incorporated. An exhaustive Index is given at the end of the volume for ready reference.

* * * * *

My thanks are due to Mr. W. T. Sundararajan, B.A., B.L., who has assisted me considerably in the preparation and publication of this work. * * * *

I am fully conscious of the many defects and shortcomings in this work and I shall consider my labour sufficiently rewarded if the work proves useful to those for whom it is intended.

“SWAMI VILAS,”
EGMORE,
1st September, 1923.)

S. RANGANADHAIYAR.

**TABULAR STATEMENT OF REPEALS AND AMENDMENTS
UP-TO-DATE.**

Section.	How dealt with.	Section.	How dealt with.
1	Amended by Act XXXVIII of 1920, S. 5 and Sch. I.	123	Amended by Act XVIII of 1923, S. 21. Amended by Act X of 1926, S. 2.
2	Repealed by Act X of 1924, S. 3 and Sch. II.	124	Amended by Act XVIII of 1923, S. 22.
4	Amended by Act XVIII of 1919, S. 2 and Schs. I and II.	126	Amended by Act XVIII of 1923, S. 23.
	Amended by Act XVI of 1919 S. 3 and Sch. II.	126-A	Amended by Act XVIII of 1923, S. 23.
	Repealed in part by Act XX of 1923, S. 5 and Sch. II.	127	Amended by Act XXXVIII of 1920, S. 2 & Sch. I.
	Amended by Act XII of 1923, S. 2.	133	Substituted by Act XVIII of 1923, S. 24.
	Amended by Act XXXV of 1923, S. 2.	135	Amended by Act XVIII of 1923, S. 25.
7	Amended by Act XXXVIII of 1920, S. 2 and Sch. I.	139	Inserted by Act XVIII of 1923, S. 26.
10	Amended by Act XVIII of 1923, S. 2.	144	Amended by Act XVIII of 1923, S. 27.
14	Amended by Act XXXVIII of 1920, S. 2 and Sch. I.	145	Amended by Act XVIII of 1923, S. 28.
18	Amended by Act XVIII of 1923, S. 3.	146	Amended by Act XVIII of 1923, S. 29.
21	Amended by Act XVIII of 1923, S. 4.	147	Substituted by Act XVIII of 1923, S. 30.
22	Substituted by Act XXXVIII of 1920, S. 2 and Sch. I.	148	Amended by Act XVIII of 1923, S. 31.
	Amended by Act XII of 1923, S. 3.	157	Amended by Act XVIII of 1923, S. 32.
23 & 24	Repealed by Act XII of 1923, S. 4.	161	Amended by Act XVIII of 1923, S. 33.
27	Amended by Act XXXVIII of 1920, S. 2 and Sch. I.	162	Amended by Act XVIII of 1923, S. 34.
29	Amended by Act XII of 1923, S. 5.	164	Amended by Act XVIII of 1923, S. 35.
	Amended by Act XVIII of 1923, S. 5.	165	Amended by Act XVIII of 1923, S. 36.
29A	Inserted by Act XII of 1923, S. 6.	166	Amended by Act XVIII of 1923, S. 37.
29B	Inserted by Act XVIII of 1923, S. 6.	167	Amended by Act XVIII of 1923, S. 38.
34A	Inserted by Act XII of 1923, S. 7.	169	Amended by Act XVIII of 1923, S. 39.
35	Amended by Act XVIII of 1923, S. 7.	170	Repealed by Act II of 1926, S. 2.
40	Amended by Act XVIII of 1923, S. 8.	(4)	
45	Amended by Act XVIII of 1923, S. 9.	173	Amended by Act XVIII of 1923, S. 40.
54	Amended by Act XVIII of 1923, S. 10.	174	Amended by Act XVIII of 1923, S. 41.
55	Amended by Act XVIII of 1923, S. 11.	181	Amended by Act XVIII of 1923, S. 42.
59	Amended by Act XVIII of 1923, S. 12.	185	Substituted by Act XVIII of 1923, S. 43.
83	Amended by Act XVIII of 1923, S. 13.	188	Amended by Act XVIII of 1923, S. 44.
99A	Inserted by Act XI of V 1922, S. 5 and Sch. III.	190	Amended by Act XVIII of 1923, S. 45.
99A to G	Amended by Act XXXVI of 1926, Ss. 2 to 5.	193	Amended by Act XVIII of 1923, S. 46.
101	Amended by Act XIV of 1922, 5 and Sch. III.	195	Amended by Act XVIII of 1923, S. 47.
103	Amended by Act XVIII of 1923, S. 14.	196	Amended by Act XVIII of 1923, S. 48.
106	Amended by Act XVIII of 1923, S. 15.	196	Inserted by Act XVIII of 1923, S. 49.
107	Amended by Act XVIII of 1923, S. 16.	197	Amended by Act XVIII of 1923, S. 50.
108	Amended by Act XVIII of 1923, S. 17.	198	Amended by Act XVIII of 1923, S. 51.
110	Amended by Act XVIII of 1923, S. 18.	199	Amended by Act XVIII of 1923, S. 52.
111	Repealed by Act XII of 1923, S. 8.	199-A	Inserted by Act XVIII of 1923, S. 53.
117	Amended by Act XVIII of 1923, S. 19.	200	Amended by Act XVIII of 1923, S. 54.
122	Substituted by Act XVIII of 1923, S. 20.	202	Amended by Act II of 1926, S. 3.
		203	Amended by Act XVII of 1923, S. 55.
			Amended by Act II of 1926, S. 4.
			Amended by Act XVIII of 1923, S. 56.
			Amended by Act II of 1926, S. 5.

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206	Amended by Act XII of 1923, S. 9.	356	Amended by Act XVIII of 1923, S. 96.
	Amended by Act XVIII of 1923, S. 57.	362	Amended by Act XVIII of 1923, S. 97.
210	Amended by Act XVIII of 1923, S. 58.	364	Repealed in part by Act XI of 1923, S. 3
214	Repealed by Act XII of 1923, S. 10.		and Sch. II.
215	Amended by Act XII of 1923, S. 11.		Amended by Act XXXVII of 1923, S. 2,
	Amended by Act XVIII of 1923, S. 59.	365	Repealed in part by Act XI of 1923 S. 3
219	Amended by Act XVIII of 1923, S. 60.		and Sch. II.
221	Amended by Act XVIII of 1923, S. 61.		Amended by Act XVIII of 1923, S. 99.
234	Amended by Act XVIII of 1923, S. 62.	367	Amended by Act XVIII of 1923, S. 100.
237	Repealed by Act XVIII of 1923, S. 63.	369	Amended by Act XVIII of 1923, S. 101.
(2)		386	Substituted by Act XVIII of 1923, S. 102.
238	Amended by Act XVIII of 1923, S. 64.	387	Amended by Act XVIII of 1923, S. 103.
239	Substituted by Act XVII of 1923, S. 65.	388	Substituted by Act XXXVII of 1923, S. 3.
243	Amended by Act XVIII of 1923, S. 66.	390	Amended by Act XII of 1923, S. 21.
244	Amended by Act XVIII of 1923, S. 67.	391	Amended by Act, XII of 1923, S. 22.
245	Amended by Act XVIII of 1923, S. 68.	395	Amended by Act XVIII of 1923, S. 105.
250	Amended and repealed in part by Act XVIII of 1923, S. 69.	397	Amended by Act XVIII of 1923, S. 106.
252	Amended by Act XVIII of 1923, S. 70.	401	Amended by Act XVIII of 1923, S. 107.
255	Inserted by Act XVIII of 1923, S. 71.	402	Amended by Act XVIII of 1923, S. 108.
A		406	Substituted by Act XVIII of 1923, S. 109.
256	Amended by Act XVIII of 1923, S. 72.	406-	Inserted by Act XVIII of 1923, S. 110.
258	Amended by Act XVIII of 1923, S. 73.	A	
259	Amended by Act XVIII of 1923, S. 74.	407	Amended by Act XVIII of 1923, S. 111.
261	Amended by Act XVIII of 1923, S. 75.	408	Repealed in part by Act XII of 1923, S. 23.
266	Repealed in part by Act XI of 1923, S. 2		Amended by Act XVIII of 1923, S. 112.
	and Sch. II.	409	Amended by Act XVIII of 1923, S. 113.
	Amended by Act XII of 1923, S. 12.	413	Amended by Act XII of 1923, S. 24.
	Amended by Act XVIII of 1923, S. 76.	414	Amended by Act XII of 1923, S. 25.
269	Amended by Act XXXVIII of 1920 S. 2	415	Inserted by Act XVIII of 1923, S. 114.
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274	Amended by Act XII of 1923, S. 13.	416	Repealed by Act XII of 1923, S. 26.
275	Substituted by Act XII of 1923, S. 14.	418	Amended by Act XVIII of 1923, S. 115.
276	Amended by Act XVIII of 1923, S. 77.	435	Amended by Act XVIII of 1923, S. 116.
284	Amended by Act XII of 1923, S. 15.	435	Repealed by Act XVIII of 1923, S. 116.
284-	Amended by Act XII of 1923, S. 16.	(9)	
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A	S. 17.	437	Renumbered and Amended by Act XVIII
288	Amended by Act XVII of 1923, S. 78.		of 1923, S. 117.
292	Substituted by Act XVIII of 1923, S. 79.	438	Amended by Act XVIII of 1923, S. 118.
305	Amended by Act XVIII of 1923, S. 80.	439	Amended by Act XVIII of 1923, S. 119.
307	Amended by Act XVIII of 1923, S. 81.	443	(Oh, XXXIII) Substituted by Act XII of
309	Amended by Act XVIII of 1923, S. 82.	463	1923.
310	Substituted by Act XVIII 1923, S. 83.	464	Amended by Act XVIII of 1923, S. 120.
312	Substituted by Act XII of 1923, S. 18.	465	Amended by Act XVIII of 1923, S. 121.
313	Amended by Act XXXVIII of 1920, S. 2	466	Amended by Act XVIII of 1923, S. 122.
	and Sch. I.	468	Amended by Act XVIII of 1923, S. 123.
315	Amended by Act XVIII of 1923, S. 84.	471	Amended by Act XVIII of 1923, S. 124.
316	Amended by Act XVII of 1923, S. 85.	473	Amended by Act XVIII of 1923, S. 125.
326	Amended by Act XII of 1923, S. 19.	474	Amended by Act XVIII of 1923, S. 126.
336	Repealed by Act XII of 1923, S. 20.	475	Substituted by Act XVIII of 1923, S. 127.
337	Amended by Act XVIII of 1923, S. 86.	476	Substituted by Act XVIII of 1923, S. 128.
339	Amended by Act XVIII of 1923, S. 87.		Amended by Act II of 1926, S. 6.
339-	Inserted by Act XVIII of 1923, S. 88.	476-	Inserted by Act XVIII of 1923, S. 128.
A		A	
340	Substituted by Act XVIII of 1923, S. 89.	476-	Inserted by Act XVIII of 1923, S. 128.
345	Amended by Act XVIII of 1923 S. 90.	B	
347	Amended by Act XVIII of 1923, S. 91.	477	Repealed by Act XVIII of 1923, S. 129.
348	Amended by Act XVIII of 1923, S. 92.	478	Amended by Act XII of 1923, S. 28.
349	Amended by Act XVIII of 1923, S. 93.	480	Amended by Act XII of 1923, S. 29.
350	Amended by Act XVIII of 1923, S. 94.	487	Amended by Act XVIII of 1923, S. 130.
350-	Inserted by Act XVIII of 1923, S. 95.	488	Amended by Act XVIII of 1923, S. 131.
A		489	Amended by Act XVIII of 1923, S. 132.

TABULAR STATEMENT OF REPEALS AND AMENDMENTS.

IX

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491	Amended by Act XII of 1923, S. 30.	540-	Inserted by Act XVIII of 1923, S. 151.
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492	Amended by Act XVIII of 1923, S. 133.	544	Amended by Act XXXVIII of 1920, S. 2 and Sch. I.
494	Amended by Act XVIII of 1923, S. 134.	545	Amended by Act XVIII of 1923, S. 152.
495	Amended by Act XXXVIII of 1920 S. 2 and Sch. I.	546-	Inserted by Act XVIII of 1923, S. 153.
496	Amended by Act XVIII of 1923, S. 135.	A	
497	Amended by Act XVIII of 1923, S. 136.	547	Amended by Act XVIII of 1923, S. 154.
504	Amended by Act XVIII of 1923, S. 137.	552	Amended by Act XVIII of 1924.
505	Amended by Act XVIII of 1923, S. 138.	555	Amended by Act XVIII of 1916, S. 2.
514	Amended by Act XVIII of 1923, S. 139.	569	Substituted by Act XVIII of 1923, S. 155.
514-	Inserted by Act XVIII of 1923, S. 140.	561-	Inserted by Act XVIII of 1923, S. 156.
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516-	Inserted by Act XVIII of 1923, S. 141.	562	Substituted by Act XVIII of 1923, S. 157.
A			Amended by Act XXXVII of 1923, S. 34.
517	Amended by Act XVIII of 1923, S. 142.	565	Substituted by Act XVIII of 1923, S. 158.
522	Amended by Act XVIII of 1923, S. 143.		Schedule I Repealed by Act X of 1914, S. 3 and Sch. II.
525	Amended by Act XVIII of 1923, S. 144.		(Amended by Act XXXIX of 1920, S. 3.
526	Amended by Act XVIII of 1923, S. 145.	Schedule II	Amended by Act XVIII of 1923, S. 159.
526-	Inserted by Act XII of 1923, S. 32.		
A			Schedule III Amended by Act XVIII of 1923, S. 160.
527	Amended by Act XVIII of 1923, S. 146.		Schedule IV Amended by Act XVIII of 1923, S. 163.
528	Amended by Act XVIII of 1923, S. 147.		Schedule V Amended by Act XVIII of 1923, S. 162.
528-	(Ch. XLIV A) Inserted by Act XII of 1923, S. 33.		Schedule V Amended by Act XXXVII of 1923, S. 5.
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534	Substituted by Act XII of 1923, S. 34.		
537	Amended by Act XVIII of 1923, S. 148.		
538	Amended by Act XVIII of 1923, S. 149.		
539	Inserted by Act XVIII of 1923, S. 150.		
A & B			

ABBREVIATIONS OF REPORTS AND TEXT BOOKS CITED.

- | | |
|--|---|
| <p>A. Indian Law Reports, Allahabad Series.
 A.C. Law Reports, Appeal Cases,
 A.L.J. Allahabad Law Journal.
 A.W.N. Allahabad Weekly Notes.
 B. Indian Law Reports, Bombay Series.
 B.L.R. Bombay Law Reports.
 B.L.R. Appx. Bengal Law Reports, Appendix.
 B.H.C.R. Bombay High Court Reports.
 B.H.C.R. (Ap. Cr.) Bombay High Court Reports, Appellate Criminal.
 B.H.C.R. (Cr. Ca.) Bombay High Court Reports, Crown Cases.
 Bom. L.R. Bombay Law Reporter.
 C. Indian Law Reports, Calcutta Series.
 C.L.J. Calcutta Law Journal.
 C.L.R. Calcutta Law Reports.
 C.W.N. Calcutta Weekly Notes.
 Cr. L.J. Criminal Law Journal.
 Cr. L. Rev. Criminal Law Review.
 Ind. App. Law Reports, Indian Appeals.
 Ind. Cas. Indian Cases.
 L.W. Law Weekly.
 Lah. Indian Law Reports, Lahore Series.
 M. Indian Law Reports, Madras Series.
 Mad. Jur. (N. S.) Madras Jurist New Series.
 M.H.C.R. Madras High Court Reports.
 M.H.C.R. Appx. Madras High Court Reports Appendix.</p> | <p>M.I.A. Moore's Indian Appeals.
 M.L.J. Madras Law Journal,
 M.L.T. Madras Law Times,
 M.W.N. Madras Weekly Notes.
 N.W.P.H.C.R. North-West Provinces High Court Reports.
 P.R. The Punjab Record.
 Pat. Indian Law Reports, Patna Series.
 [Pat] Patna High Court Cases (C.W.N. Supplement) and All India Reporter (Pat. H.C.)
 Pat. L.J. Patna Law Journal,
 Pat. L.T. Patna Law Times.
 Rang. Indian Law Reports, Rangoon Series.
 Ratanlal. Ratanlal's Unreported Criminal Cases of the Bombay High Court.
 W.R. (Cr.) Sutherland's Weekly Reporter, Criminal Rulings.
 W.R. (F.B.) Sutherland's Weekly Reporter, Full Bench Rulings.
 Weir I & II. Weir's Criminal Rulings of the Madras High Court.
 Arch. Cr. Pl. & Pro. Archbold's Criminal Pleading, Evidence and Procedure.
 Ros. Cr. Ev. & Pro. Roscoe's Criminal Evidence and Procedure,
 Forsyth, His. Tr. by Jury. Forsyth's History of Trial by Jury.</p> |
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