

# CALCUTTA HIGH COURT

Gopinath

Vs

Kuldip Singh

(R Garth C.J. Prinsep and Wilson, JJ. Field and Kinealy, JJ.)

15.05.1885

## JUDGMENT

### **R Garth C.J.**

1. It appears that the charge against the accused with which we are now dealing was not made under Section 193 of the Penal Code, but under Section 82 of the Registration Act. It is, therefore, not necessary for the purposes of the case to consider whether, when in holding an enquiry under that Act, the Registrar is acting as a "Court," within the meaning of Section 195 of the Criminal Procedure Code. We have only to consider whether before instituting a charge under Section 82, any sanction at all is necessary.

2. We are of opinion that no sanction is required. It has been contended that, under Section 83 of the Registration Act, it is necessary that some one of the officers who are mentioned in that section must have given previous permission to institute proceedings; but we think that it is not so. The provisions of Section 83 are not obligatory. They rather seem to be intended for the purpose of enabling the officers of the Registration Department, when they should see fit, to institute any prosecution under the Act upon their own responsibility.