

Re KITNAN CHETTY.

P. C., Negombo, A.

*Police Magistrate—Power of, to commit a witness to custody of the Fiscal for perjury pending inquiry—Criminal Procedure Code, s. 147 (3).*

It is competent to a Police Magistrate, under section 147 (3) of the Criminal Procedure Code, to commit to the custody of the Fiscal a witness against whom he has a complaint of having given false evidence intentionally.

F. M. de Saram read an affidavit made by Saththappa Chetty and moved the Supreme Court on the 15th June, 1900, that " S. P. E. K. Kitnan Chetty, remanded by the Police Magistrate of Negombo, be released on bail."

The affidavit referred to above was as follows :—

" 1. I am the brother-in-law of S. P. E. K. Kitnan Chetty, presently of Negombo.

" 2. The said Kitnan Chetty was remanded to jail when he appeared as a witness in P. C., 25,403, Negombo, for making a statement on oath before Mr. F. H. de Saram, the Police Magistrate, which was contrary to a statement made before Mr. W. R. B. Sanders in the same case on a previous occasion.

" 3. The Police Magistrate remanded the said Kitnan Chetty to be prosecuted for perjury, but no charge of perjury has yet been framed.

" 4. An application for bail was refused by the Magistrate.

" 5. The remand extends till the 22nd instant."

*De Saram.*—The Police Magistrate has no power to commit to jail Kitnan Chetty without any proceeding whatever being commenced against him.

BONSER, C.J.—

Section 147 of the Criminal Procedure Code enables the Police Magistrate to complain to a Court of any of the offences mentioned in sub-sections (b) and (c); and sub-section (3) provides that where the complaint is made by a Court such Court may cause the accused to be arrested and sent in custody before the Police Court having jurisdiction. The committal complained of is therefore right.

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