

the Company has been dissolved the liquidator can escape his responsibilities or liabilities under the Act if the alleged negligence, misfeasance, default or breach of duty, etc. is discovered to have been committed after the Company's dissolution unless in the Act itself some limitation is provided for initiating action or instituting proceedings.

In re. Muktsar Electric Supply Co. Limited (In Liquidation). and petition of S. P. Chopra & Co. and another

Grover, J .

On behalf of the petitioners it has been pointed out that criminal proceedings are apprehended under sections 282 and 282-A of the Act. Sections 282 and 282-A provide penalties for making a false return etc., and for wrongful withholding of property of a Company by its officers. As I am satisfied with the explanation given by the petitioners in respect of the amount expended on obtaining clearance from the Pakistan authorities and the other expenses incurred in connection with the satisfaction of the claim of the Foreign Company, hereby relieve them from any apprehended liability for which proceedings can be instituted against them in the future under sections 282 and 282-A of the Act.

No other point has been urged before me by the counsel for the parties. The petition is consequently allowed in the manner and to the extent indicated above. In the circumstances, the parties are left to bear their own costs.

B.R.T.

REVISIONAL CRIMINAL

Before D. Falshaw, C.J.

STATE,—Petitioner.

versus

PARKASH CHAND,—Respondent.

Criminal Revision No. 674 of 1965.

1965

Defence of India Act (LI of 1962)—S. 14—Notification dated 7th January, 1963, issued by the Punjab Government under Defence of India Rules (1962)—Rule 125(2)—Whether to be tried by the Special Tribunal. November, 12th

Held, that a notification was issued by the Punjab Government in a Gazette Extraordinary dated the 7th of January, 1963, by which Special Tribunals were created in 16 Districts in this State. Column 5 thereof specifies the offences which shall be tried by the Special Tribunal and these are exactly on the lines set out in section 14 of the Defence of India Act, 1962. The Defence of India Rules of 1962, including rule 125 sub-rule (2) of which is alleged to have been contravened in the present case, are specifically framed in exercise of the powers conferred by section 3 of the Act. It is, therefore, clear that any of the offences specified in section 14 and in the notification must be

tried by the Special Tribunal so long as the proclamation of the state of Emergency remains in force.

Petition under section 439 of the Code of Criminal Procedure, for revision of the order of Shri J. P. Gupta, Sessions Judge, Kapurthala, dated 6th April, 1965 holding that a Magistrate has jurisdiction to try a case instituted against Parkash Chand respondent for contravention of rule 125(2) of the Defence of India Rules.

K. L. JAGGA, ASSISTANT ADVOCATE-GENERAL,—for the Petitioner.

NEMO,—for the Respondent.

JUDGMENT

Falshaw, C. J. FALSHAW, C.J. This is a revision petition filed by the State against the order of the Sessions Judge, Kapurthala, holding that a Judicial Magistrate at Phagwara had jurisdiction to try a case instituted against Parkash Chand respondent for contravention of rule 125 (2) of the Defence of India Rules. It appears that the police instituted the case in the Court of the Judicial Magistrate at Phagwara and the State moved the Sessions Judge for having the case tried by the Special Tribunal constituted under section 13 of the Defence of India Act of 1962. In refusing the prayer of the State the learned Sessions Judge has relied on a decision of the Tribunal constituted at Kapurthala consisting of his predecessor together with Mr. P. L. Chhabra, District Magistrate, and Mr. Harnarain Singh, A.D.M., delivered on the 23rd of September, 1963 by which it was held that the jurisdiction of a first Class Magistrate and of the Tribunal to try offences for contraventions of rule 125(2) of the Defence of India Rules was concurrent.

It is contended on behalf of the State that this view is not correct. Section 13 of the Defence of India Act provides in sub-section (1) that the State Government may, for the whole or any part of the State, constitute one or more Special Tribunals which or each of which shall consist of three members appointed by that Government. The other sub-sections deal with the qualifications of persons to be appointed. Section 14 reads:—

“During the period during which the proclamation of emergency is in operation, the State Government may, by general or special order, direct that a Special Tribunal shall try any offence :—

(a) under any rule made under section 3, or

(b) punishable with death, imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of this Act or under sub-section (4) of "section 5 of Indian official Secrets Act, 1923, as amended by section 6 of this Act,

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triable by any Court having jurisdiction within the local limits of the jurisdiction of the Special Tribunal and may in any such order direct the transfer to the Special Tribunal of any particular case from any other Special Tribunal or any other criminal Court not being a High Court".

A notification was issued by the Punjab Government in a Gazette Extraordinary, dated the 7th of January, 1963, by which Special Tribunals were created in 16 Districts in this State. At item No. 9 appears the Special Tribunal for the areas comprised in the District of Kapurthala, the Special Tribunal consisting of the District & Sessions Judge, the District Magistrate and the Senior Subordinate Judge all of whom were named. Column 5 specifies the offences which shall be tried by the Special Tribunal, and these are exactly on the lines set out above in section 14. The Defence of India Rules of 1962, including rule 125, sub-rule (2) of which is alleged to have been contravened in the present case, are specifically framed in exercise of the powers conferred by section 3 of the Act. It is, therefore, clear that any of the offences specified in section 14 and in the notification in this case must be tried by the Special Tribunal so long as the Proclamation of the state of Emergency remains in force, and I accordingly accept the revision petition and order that the case against Parkash Chand under rule 125(2) of the Defence of India Rules be tried by the Special Tribunal.

B.R.T.

CIVIL MISCELLANEOUS

Before Inder Dev Dua and Prem Chand Pandit, JJ.

THE MUNICIPAL COMMITTEE, AMRITSAR AND OTHERS,—
Petitioners,

versus

THE STATE OF PUNJAB AND ANOTHER,—*Respondents.*

Civil Writ No. 878 of 1964.

Punjab Local Authorities (Aided Schools) Act (XXII of 1959)—Whether ultra vires Art. 31 of the Constitution and whether a colourable piece of legislation—Ss. 3 and 5—Respective scope of—Notification No. 11067.C(8 C 1)—60/54766, dated 26th

1965
November, 15th