

**In Re: Danappa Narsappa**

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**Court :** Mumbai

**Decided On :** Nov-03-1921

**Reported in :** (1922)24BOMLR45

**Judge :** Norman Macleod, Kt., C.J. and Shah, J.

**Appeal No. :** Criminal Appeal No. 487 of 1921

**Appellant :** In Re: Danappa Narsappa

**Judgement :**

Norman Macleod, Kt., C.J.

1. The two applicants gave evidence in the case in which the opponents were charged with murder and were acquitted. The opponents then asked the Court to sanction the prosecution of the applicants for giving false evidence. Notice to show cause why sanction should not be given was issued on the applicants, but for some reason or other they did not appear. The Sessions Judge gave sanction to prosecute without giving any reasons, It may be that the evidence given by the applicants was false, or it may be that the trying Judge was justified in merely holding that he did not believe it. But sanction ought not to be given unless the Court giving sanction has satisfied itself that there are very favourable chances of obtaining a conviction. Having considered the evidence given by the applicants, we do not consider it by any means certain that the prosecution could prove that the applicants had given false evidence under the provisions of Section 193,

Indian Penal Code. In these circumstances, it is not advisable that sanction should be given. It may be noted that it is not the Government which are asking for sanction, but the accused in the case, who were acquitted, and who were thus influenced by embittered feelings against these witnesses for the prosecution. Therefore, the sanction given to prosecute the applicants will be set aside. It is desirable to add that when sanction is given to prosecute for giving false evidence, the actual statements which are alleged to be false should be mentioned in the sanction.

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