

Ram Narain Vs. State

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Court : Allahabad

Decided On : Dec-19-1950

Reported in : AIR1952All436

Judge : Kidwai, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 195; Indian Penal Code (IPC) - Sections 182

Appeal No. : Criminal Ref. No. 61 of 1950

Appellant : Ram Narain

Respondent : State

Advocate for Def. : Hammad Farooqi, Addl. Govt. Adv.

Advocate for Pet/Ap. : Shankar Sahai, Adv.

Judgement :

ORDER

Kidwai, J.

1. On the 18th of August 1948, Ram Narain lodged a report at police station Beniganj to the effect that his pocket had been picked by one Ram Bharosey at the railway station at Beniganj and that the pick pocket had attempted to escape

but was caught. It was further stated that the guard of the train handed over the man caught to the station master but, because of the latter's hostility to Ram Narain, the accused was not searched but was allowed to go. The Station officer of Beniganj forwarded the report to the Station Officer G.R.P. Hardoi for investigation since the offence had occurred on the railway. The station officer G.R.P. Hardoi came to the conclusion that a false report had been filed by Ram Narain since his pocket had not been picked. He accordingly filed a complaint under Section 182, Penal Code against Ram Narain. Ram Narain was convicted and sentenced to pay a fine of Rs. 40. He applied in revision to the Sessions Judge of Hardoi, who has referred the case with the recommendation that the conviction be set aside.

2. Accordingly to the view taken by the sessions Judge it was the Station Officer of Beniganj who should have made a complaint in writing under the provisions of section 195 Clause (a), Criminal P.C. This view is perfectly correct and is fully supported by the words of the section itself. The report was made to the station Officer, Beniganj and the written information was supplied to him. He was the public servant concerned and it was for him to make the complaint. The Station Officer, G.R.P. Hardoi had, therefore, no authority to file the complaint. I accordingly accept the reference, set aside the conviction of Ram Narain and direct that the fine, if paid, shall be refunded.

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