

Raja Ram Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/464751

Court : Allahabad

Decided On : Dec-03-1935

Reported in : AIR1936All140; 155Ind.Cas.657; 160Ind.Cas.1088

Appellant : Raja Ram

Respondent : Emperor

Judgement :

ORDER

Allsop, J.

1. This is a reference made by the learned second Additional Sessions Judge of Allahabad suggesting that sentence of fine should be set aside in revision and also that an order binding the accused person over under Section 106, Criminal P.C., should be set aside. The accused person was fined under Section 120-B, Railways Act, for using abusive language on the Railway Station. He is a pragwal and there was the usual dispute about pilgrims. It appears that an association has been formed to prevent pragwals from making a nuisance of themselves. The accused went to the station and tried to force two pilgrims to accompany him. One of the members of the association remonstrated with him and he is then said to have used the most filthy abuse and to have invited the member of the association to come outside the station where he would give him a thorough good beating. The learned Magistrate believed the evidence. The learned Second Additional

Sessions Judge has made this reference because he says in the first place that it was not legal for the Magistrate to convict the man unless the exact words used were proved. There is certainly a case reported in *Ghasita Singh v. Emperor* 1932 Lah 489, which gives some support to this contention, but with the greatest respect I am unable to agree with it. It is unreasonable to expect any person who has been well abused to remember the exact words used. It is not likely that he will take them down in writing and yet it seems to me he will certainly very well know whether the language was abusive or not. If the case of the accused was that he had made use of expressions which could not properly be described as abusive it was open to him to prove exactly what he said. There is certainly no ground for revision of the order of fine. In respect of the order binding the accused person over, it appears that that order was passed more than a year ago and it was only for a period of one year. It is therefore useless to interfere under our revisional jurisdiction. It does not appear that any substantial injustice was done in any case and if it has been done it is too late to remedy the matter. The argument is that using abusive language and being generally disorderly at a Railway Station does not amount to a breach of the peace. I very much doubt whether this contention is correct. I refuse to interfere. The papers may be returned.