

Manghai Ram Vs. Emperor

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Court : Allahabad

Decided On : Oct-22-1919

Reported in : AIR1919All330; 53Ind.Cas.617

Judge : Ryves, J.

Appellant : Manghai Ram

Respondent : Emperor

Judgement :

Ryves, J.

1. In this case there is a discrepancy between the finding of the learned Sessions Judge and of the Magistrate as to the facts, I have examined the record and there is no doubt that the Magistrate has come to the right conclusion on the facts. Manghai Ram, who was a witness for the prosecution in a case which was then being heard before the Magistrate, tried to come into the Court room from the verandah. Shanker, who appears to have been in some way related to the accused in that case, prevented him. There was a scuffle between the two and some sort of an assault. Mahabir, who was a Chaprasi of the Court, intervened and told Manghai not to come inside the Court room When this happened, the Court appears to have taken action under Section 430 of the Criminal Procedure Code and on the facts found, namely, that there had been this assault in the verandah of the Court room, convicted Manghai Ram under Section 228 of the

Indian Penal Code, holding that this conduct amounted to 'a contempt of Court as defined in that section,' and sentenced him to pay a fine of Rs. 50. Manghai applied in revision to the learned Sessions Judge, who rejected the revision on what seems to me a misconception of the actual facts. The Judge seems to have been of the opinion that Manghai struck the Chaprasi and held that it was the duty of the Chaprasi, who was acting as a servant of the Court, to prevent a witness from coming into the Court room before he was called, and went on to hold that the accused in striking the Chaprasi undoubtedly intentionally insulted the Court. As a matter of fact it was never suggested by anybody that the accused had struck the Chaprasi. On the facts found it seems to me that the conviction cannot be sustained. There is no mention in Section 228 of 'contempt of Court.' It is quite obvious that Manghai, when he slapped Shanker in the verandah of the Court because Shanker prevented him from going inside the Court room, had no idea whatever of intentionally insulting the learned Magistrate. He cannot, therefore, be convicted of intentional insult. He might, however, be convicted if it was proved that he had caused an interruption to the Magistrate. There is nothing whatever on the record to show that he did so. There is no note made by the Magistrate at the time, no evidence, and nothing is said in the judgment on the point. It seems to me, therefore, that the conviction must be quashed. I, therefore, set it aside, acquit the accused, and direct that the fine, if paid, be refunded.

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