

Man Singh Vs. Reoti

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Court : Allahabad

Decided On : Aug-27-1930

Reported in : AIR1931All13

Appellant : Man Singh

Respondent : Reoti

Judgement :

ORDER

1. These are three applications for enhancement of sentence filed on behalf of a complainant, Man Singh. The various accused persons, Reoti, Bharat Singh and Roshan Singh, have been convicted under Section 193, I.P.C. of giving false evidence against Man Singh on a charge of Section 224 I. P.C. which was brought by Reoti against Man Singh and Reoti has also been convicted under Section 211, I.P.C. The convictions were in the Court of a Magistrate on the complaint of a Sessions Judge and they were upheld in appeal by the Sessions Judge. The sentences of 6 months' rigorous imprisonment on Reoti and 4 months' rigorous imprisonment each on Bharat Singh and Rosham Singh were reduced by the Sessions Court to the period of imprisonment already undergone, which was 23 days. There was a trial of Man Singh and his son under Section 324, I. P.C. for causing the death of a woman, Mt. Rajo, and Man Singh was acquitted by the Sessions Court and Debi was acquitted by the High Court on appeal.

2. It is common ground that on 19th January 1929 the kurkamin of Sadabad went to attach property belonging to Reoti and to his brother Under a warrant of attachment issued in execution of a decree by Nek Ram. Nek Ram and Debi are sons of Man Singh. The kurkamin states that Man Singh who is an old man of 70, was not present on that occasion, and evidence has been given that Man Singh was collecting rents on that date at a village at a considerable distance. The kurkamin states that Reoti and his brother came out with chopper and showed signs of violence and the kurkamin then left. After that some collision took place between Debi on one side and Reoti and his brother on the other, and in this collision the woman took part and the fatal injury was caused to Mt. Rajo. Reoti made a complaint in which he stated that Man Singh was present with a spade and struck the woman. The question is : was this complaint by Reoti against Man Singh true or false? The allegations of Reoti were supported by his evidence and the evidence of Bharat Singh and Roshan Singh, who claimed to have witnessed the occurrence which Reoti alleged took place. On the other hand, we have the evidence of the kurkamin and several witnesses on behalf of Man Singh to the effect that he was not present on this occasion. Both lower Courts have believed that evidence and we see no reason to differ. We, therefore, find that the convictions, of Reoti, Bharat Singh and Roshan Singh were correct. Some further argument was addressed to us that a private individual such as Man Singh cannot move this Court in revision, and reference was made to Nagji Dula, In re A.I.R. 1924 Bom. 320. In that ruling a Bench of the Bombay High Court held that a private complainant should not apply in revision for enhancement of a sentence passed by a Magistrate but that he should apply to the District Magistrate, or the Sessions Judge, or Government. Now in the present case the order against which complaint is made is the order of the Sessions Judge and, therefore, it would not have been possible under the Criminal Procedure Code to apply either to the Sessions Judge, or to the District Magistrate. It is not, we consider, intended by the Code that in these circumstances the only remedy of a complainant should be to apply to a District Magistrate to move the Government to apply for an enhancement, because the Local Government will only apply for an enhancement if the enhancement is required in the public interest. This Court does not regard the question of enhancement only from the point of view of the public interest, but

from the circumstances of the particular case before it.

3. In the present case we consider that the sentence should be largely enhanced, and that of the Sessions and Subordinate . Judge of Muttra, are utterly inadequate. We trust that this Sessions Judge will in future give more care to the question of sentences in cases which come before him. In the present case there was a complaint made by Reoti which is shown to have been false, and on that complaint proceedings were instituted in the Sessions Court for an offence punishable with transportation for life. The offence of Reoti therefore came under the second part of Section 211, I. P.C. Taking all the facts into consideration we enhance the sentence of Reoti to 1 1/2 years' rigorous imprisonment under Section 211, I. P.C. and to 1 1/2 years' rigorous imprisonment under Section 193, I. P.C. Those sentences will be consecutive and not concurrent. We sentence Bharat Singh and Roshan Singh under Section 193, I. P.C. to two years rigorous imprisonment each in enhancement of the sentence already undergone. Warrants will issue for the arrest of these accused.

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