

Rajaln Singh Vs. Emperor

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Court : Allahabad

Decided On : Dec-02-1916

Reported in : 39Ind.Cas.984

Judge : Henry Richards C.J.

Appellant : Rajaln Singh

Respondent : Emperor

Judgement :

Henry Richards C.J.

1. In this case Rajaln Singh has been convicted under Section 26(2) of the Criminal Tribes Act of 1911. The charge against him was that he as an occupier of land had not 'forthwith' communicated to the officer in charge of the nearest Police station' information which he had obtained of the arrival on his land of a certain bhar, a member of a criminal tribe. The evidence as set forth in the judgment of the learned Magistrate and also of the learned Sessions Judge is as follows. The bhar had been wanted for three years for the purpose of having his thumb impression taken. The fact that he was 'wanted' would seem to imply that he was wandering about and that his residence was unknown, that is to say, his residence during the period for which he was wanted. The Sub-inspector came at night--the hour is not stated--to the house of the accused, and somewhere near the house he saw the accused seated smoking talking to the bhar. There is no evidence

referred to in the judgment to show how long the accused had been talking to the bhar--and it is consistent with the statement of the evidence in the judgment that the bhar had only arrived a few minutes before the Sub-Inspector. The question is whether under these circumstances it can be said to have been proved that the accused failed to give information of the arrival of the bhar on his land. It seems to me that the ease was not proved. No doubt it may have been somewhat suspicious that the accused was engaged in apparently a friendly conversation with the bhar but it was necessary to prove that he had failed to give information within the meaning of the section. A man must, of course, have a reasonable time allowed him within which to give the information. On the supposition that the bhar had only arrived a few minutes before, the accused had no opportunity of giving the information at the nearest Police station. The learned Sessions Judge in his judgment refers to the hardship of occupiers and others being obliged to 'rush off and give information.' So long as the section is reasonably interpreted, I do not think this hardship is so great as might at first sight appear, and it must be remembered that the provision of law about giving information is really for the protection of the people themselves. The object of giving this information to the Police is to enable the latter to take precautions to prevent depredations of members of criminal tribes on the owners and occupiers of the neighborhood. I allow the application, set aside the orders of both the Courts below, acquit the accused and direct that the fine, if paid, be refunded.