

Debi Vs. Emperor

Debi Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/475849

Court : Allahabad

Decided On : Jan-04-1918

Reported in : AIR1918All265; 44Ind.Cas.113

Judge : Piggott, J.

Appellant : Debi

Respondent : Emperor

Judgement :

Piggott, J.

1. I take what seem to me the essential facts of this case from the judgment of the learned Sessions Judge. The applicant Debi, being at the time a peon in the service of the Court of Wards, had a quarrel with a youth of the name of Shiam Deo, brother of one Suraj Bali, zilladar in the service of the Court of Wards. The quarrel resulted in a souffle and came to the notice of Mrs. Thomas, wife of the Special Manager locally employed by the Court of Wards. She interposed to stop the scuffle and later on Suraj Bali appears to have complained to the Special Manager, Mr. Thomas. Under these circumstances Debi addressed to the Collector, the officer in charge of the Court of Wards, a petition in which he requested to be allowed to resign his employment. In that petition he embodied his own version of his affray with Suraj Bali's brother; and I have no doubt that in so doing he departed from the truth and made statements defamatory to Mrs.

Thomas. The Collector seems to have felt it incumbent on him to make some enquiry into the matter and to record the statements on oath of Debi and Shiam Deo. The Sessions Judge says that this was done by the Collector of the district in the exercise of his powers as District Magistrate, but this I hesitate to believe. The petition addressed to the Collector by Debi did not amount to a complaint and the Criminal offence therein referred to was not a cognisable one. At any rate, the result was that the Collector satisfied himself that the allegations made in Debi's petition against Mrs. Thomas were untrue and he ordered his prosecution for committing an offence punishable under Section 182 of the Indian Penal Code.

2. I have to consider in revision whether the petition presented by Debi supplied the necessary ingredients for such an offence. I wish to make it quite clear that, if that petition had contained any allegations against any person employed as a subordinate under the orders of the Collector of the district as Manager of the Court of Wards, I should have been prepared to hold that the making of such allegations under the circumstances amounted to an offence under Section 182 of the Indian Penal Code. The presumption would be that the person complaining to a superior officer of misconduct on the part of his subordinate intended that the superior officer in question should use his powers to the injury or annoyance of the person complained of, or at any rate knew that such a result was likely. I do not think, however, that anything in Debi's petition can be construed as an allegation either against Mr. Thomas, or against Suraj Bali. Reading this petition in connection with the facts as found by the Sessions Judge, it seems to me that Debi's object was, firstly, to get his resignation accepted at once, so that he might leave the neighbourhood, and secondly, to place on record a document containing a distorted version of what had actually happened, in order to discount beforehand any proceeding which might be instituted against him by Suraj Bali or his brother in a Criminal Court, or by Mr. Thomas, as Special Manager of the Court of Wards, for his dismissal from his employment. I certainly do not think that he intended that the Collector should use his powers as Manager of the Court of Wards so as to cause injury or annoyance to Mrs. Thomas or to Suraj Bali's brother, nor am I prepared to infer that he knew it to be likely that such a result would follow. I do not think the conviction can be affirmed. I set aside the conviction and acquit Debi of the offence and direct that the fine, if paid, be refunded.

