

**Moti Lal Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/476343](http://sooperkanoon.com/476343)

**Court :** Allahabad

**Decided On :** Apr-05-1935

**Reported in :** AIR1935All652; 157Ind.Cas.146

**Appellant :** Moti Lal

**Respondent :** Emperor

**Judgement :**

ORDER

**Kendall, J.**

1. The applicant Moti Lal has been convicted of an offence under Section 180, Penal Code, read with Section 480, Criminal P.C. for refusing to sign, his statement recorded in the course of a criminal proceeding against him. The facts are given in the order of the appellate Court. The present application is made on the ground that the Court was not legally competent to require that he should sign the statement. It appears that the applicant had already made a statement which was referred to as the statement under Section 364, Criminal P.C. and that on a subsequent date after there had been some further cross-examination of the witnesses the Court put further questions to him which, he refused to answer and then refused to sign this later statement. It is argued that on the second occasion, when in fact there was no statement by the accused there was no obligation on him to sign the record, and that he was protected by Sub-section (2), Section 342,

Criminal P.C. which is to the following effect:

The accused shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them, but the Court and the jury, if any, may draw such inference from such refusal or answer as it thinks just.

2. The applicant however has not been prosecuted for refusing to answer a question or for giving false answers to questions, but for refusing to sign the record of his examination. Section 342 describes the powers which the Court has to examine an accused person. Section 364 describes how the examination of the accused is to be recorded, and this latter section relates to any occasion on which the accused is examined by the Court. It provides that the whole of the examination including every question put to him and every answer given by him shall be recorded in full, that the record should be shown or read to him, and when the whole is made conformable to what he declares is the truth, the record shall be signed by the accused. There is no exemption on the ground that the accused has refused to answer questions or that he has refused to make a further statement. The Magistrate is required to record the examination, and if there are no answers by the accused, the record presumably will only contain the questions put by the Court and a note that the accused had refused to answer the questions. If the record has been properly completed in this way by the Court, the law requires that the accused shall sign it in order to show that it is 'conformable to what he declares is the truth.' If he refused to sign it, there can be no doubt that he is obstructing the process of the Court, and that he is liable to punishment under Section 180, Penal Code, There is of course no question but that the Court is legally competent to require him to sign the document. The result is that there is no force in the application and it is dismissed.