

Nand Kishore Vs. Emperor

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Court : Allahabad

Decided On : Apr-12-1927

Reported in : 102Ind.Cas.557

Judge : Lindsay, J.

Appellant : Nand Kishore

Respondent : Emperor

Judgement :

Lindsay, J.

1. I have heard Mr. Damodar Das at length in support of this application for revision. The applicant, Nand Kishore, was fined by a Magistrate for using language which brought him within the scope of Section 506 of the Indian Penal Code. Application for revision was made to the Sessions Judge who dismissed it agreeing with the Court of first instance that an offence under Section 506 had been committed. It is argued here again that no offence under this section is proved. I agree with the Courts below. It seems to me that Nand Kishore, the applicant, was clearly guilty of an offence under Section 506. Nand Kishore is a Municipal Commissioner in the town of Lalitpur. The complaint against him was made by one Hafiz Ullah, a butcher. It appears that on the 20th of October last Hafiz Ullah bought a cow from a man named Man Singh and was going with Man Singh to the Municipal Board's Office to have the sale of the animal registered.

Nand Kishore, for what reason does not appear, interfered and asked Man Singh why he had sold the cow to the butcher. He threatened to report Man Singh to his lambardar and to get him out casted for selling the cow. He then proceeded to write something on a scrap of paper. Hafiz Ullah, not unnaturally, wanted to know why Nand Kishore interfered in the business which was going on between himself and Man Singh. Thereupon Nand Kishore informed Hafiz Ullah that he was a Municipal Commissioner, that if he bought the cow he would have Hafiz Ullah sent to jail and that he would make it impossible for him to continue to live in the town of Lalitpur. It is idle to contend that the use of these words did not constitute criminal intimidation as defined in Section 503 of the Indian Penal Code. It is argued that the section does not apply because Hafiz Ullah had already bought the cow. I do not see how that fact can make any difference. Hafiz Ullah is a butcher and was exercising his trade in a lawful manner. He had every right to buy a cow from Man Singh if he chose, and it was with respect to the exercise of his lawful business that the applicant Nand Kishore used this language saying that if he bought the cow he would have him sent to jail and would make Lalitpur too hot to hold him. The words were clearly used in order to threaten Hafiz Ullah and to cause him apprehension that he would be interfered with in the discharge of his lawful business. I refuse to interfere and dismiss the application.