

Sampuran Singh Vs. the State

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Court : Punjab and Haryana

Decided On : Oct-14-1952

Reported in : AIR1953P& H82

Judge : Falshaw, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 198; [Indian Penal Code \(IPC\), 1860](#) - Sections 499 to 500

Appeal No. : Criminal Revn. No. 413 of 1952

Appellant : Sampuran Singh

Respondent : The State

Advocate for Def. : Har Parshad, Asst. Adv. General

Advocate for Pet/Ap. : H.L. Sarin, Adv.

Disposition : Revision allowed

Judgement :

ORDER

Falshaw, J.

1. This is a revision petition by Sampuran Singh who was convicted under Section 500, Penal Code, by a Magistrate of Jagadhri and sentenced to three months

simple imprisonment and a fine of Rs. 200/- or in default three months' further imprisonment, the only result of his appeal in the Court of Sessions Judge, Ambala being that his sentence was reduced to the term of imprisonment already undergone and a fine of Rs. 150/-.

2. The relevant facts of the case are that Mst. Kanta P. W., a woman of about 42, had taken a house on lease from Sampuran Singh petitioner at Abdullapur and he filed a petition before the Rent Controller at Jagadhri for her ejectment from the house, one of the grounds alleged being that she was of bad character. On the strength of this allegation the present complaint was filed under Section 500, Penal Code, not, however, by Mst. Kanta, but by her father Atar Sen alleging that the allegation of bad character was unjustified and that it was defamatory both of his daughter and himself. The accused admitted that Mst. Kanta had taken, a house from him and that he filed a petition before the Rent Controller in which he claimed Rs. 56-/ on account of arrears of rent and prayed for her ejectment on the grounds that he required the house for his own use and that her character had caused complaints from the neighbours. The case does not appear to have been at all well conducted in the trial Court, as some points of fact still remain very obscure and most of the evidence of the accused in his defence was devoted in substantiating his allegation that Mst. Kanta was of immoral character and had given birth to two sons who were illegitimate. On this point however there is a finding of fact by the Courts below that Mst. Kanta's first husband had died and that about 13 years ago she was married to Ram Parshad who appeared as a witness and after she had given birth to two sons in the space of about 342 years during which she lived with Ram Parshad, she left him as he was no longer able to support her and since then she had been dependent on her father.

3. One of the main questions in the case was whether Atar Sen was an 'aggrieved person' within the meaning of Section 198, Criminal P. C., which provides that no Court should take cognizance of an offence falling under Chap. 19 or Chap. 21, Penal Code (Section 500 falls in Chap. 21) except upon a complaint made by some person aggrieved by such offence. The lower Courts appear to have taken the view that since Mst. Kanta had been living with her father for the last 10 years or so although no allegation was made against Atar Sen he was nevertheless an

'aggrieved person' within the meaning of this section. It is, however, contended on behalf of the petitioner that this view is entirely wrong. A number of cases have been cited before me which have some bearing on the point in dispute. In -- 'Empress v. Imam Baksh', 39 Pun Re 1887 (cr), an Imputation of unchastity had been made against an unmarried girl and a complaint filed by the father of the girl against the man who made the Imputation was dismissed by the trial Court on the finding that the father was not the aggrieved person, and this decision was held by Plowden J. in revision to be correct. The question whether even the husband of a married woman was an aggrieved person within the meaning of Section 198 has evidently not been considered free from difficulty in the past, as it has formed the subject of references to Pull Benches both in the High Court at Lahore and at Bombay, In the Bombay case --'Chhotalal v. Nathabhai', 25 Bom 151 (P.B.), four of the five Judges were of the opinion that a husband must be considered to be an aggrieved person in the case of accusation against his wife's chastity but one Judge dissented and in --'Gurdit Singh v. Emperor', AIR 1924 Lah 559 the three Judges Scott-Smith, Moti Sagar and Harrison followed the view of the majority in the Bombay case. It is, however, clear from the trend of the discussion that the view of all the learned Judges was that the extension of the meaning of 'aggrieved person' beyond the person actually aggrieved was not to be carried too far, and while there appear to be good grounds for holding that a husband falls in this category when his wife's chastity is attacked, I do not consider that the extension is to be carried beyond the husband. The only case cited on the other side was -- 'Thakurdas v. Adhar Chandra', 32 Cal 425 in which a brother of a Hindu woman was held to be an aggrieved person competent to file a complaint under. Section 500, Penal Code, against some persons who impugned chastity of his sister, but in that case the sister was a widow who was living with her brother, and this fact obviously makes a considerable difference. It appears to me in the present case that there is no really satisfactory evidence that Mst. Kanta has been actually living with her father for the last 10 years although, as I have said, the case was so badly conducted that some important questions of fact were not properly investigated. It does, however, seem that the house which Mst. Kanta had taken on lease from Sampuran Singh and regarding which the ejectment petition was filed was not the same house in which her father, an old resident of Abdullapur,

had all along been residing, and therefore it seems that in fact she was not residing with her father at all but had been living separately from him in the circumstances I do not consider that the complainant can be held to be an aggrieved person within the meaning of Section 198, Criminal P. C., and therefore the complaint ought to have been thrown out on this ground. I accordingly accept the revision petition and set aside the conviction and sentence of Sampuran Singh petitioner whose fine, if paid, is to be refunded.

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