

Harji Vs. the State

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Court : Rajasthan

Decided On : Apr-12-1950

Reported in : 1950CriLJ1187

Judge : Oak, J.C.

Appellant : Harji

Respondent : The State

Judgement :

Oak, J.C.

1. This is an appeal by Harji against an order of the learned Sessions Judge, Ajmer-Merwara, directing that a complaint be filed against the appellant Under Section 193, Penal Code. Two persons, Mohanlal and Sohanlal were tried for murder in Sessions Trial No. 43 of 1948. Harji appeared as a witness for the prosecution in the murder trial. When the trial was over, the Public Prosecutor moved the trial Court for filing a complaint against Harji witness for perjury. An enquiry was made under Section 476, Criminal P.C. Harji admitted having made the various statements before different Courts. He pleaded that, all the statements made by him were true. The learned Sessions Judge considered that, the statement made by Harji before the Court of Session was false. The learned Sessions Judge therefore passed an order directing that a complaint be filed against Harji Under Section 199, Penal Code. Hence this appeal by Harji.

2. Harji made three statements from time to time in connection with the murder case. On 9th April 1948, he gave a statement Under Section 164, Criminal P.C. In that statement he stated that, Sohan Lai accused struck Bam Chander with a knife three times, and Mohanlal accused struck him on his head with a hatchet. A similar statement was made by Harji before the committing Magistrate on 21st July 1918. But in his statement made before the Court of session on 21st February 1949 Harji deposed that, he did not see Sohan Lai accused stabbing the deceased with a knife, and that Harji did not see Mohan Lai accused giving an axe blow to the deceased.

3. It is not possible to reconcile the two sets of statements. It is not often that a man watches the commission of murder. So the explanation that Harji might have forgotten the incident due to lapse of time cannot be accepted. Judgment in the murder case was delivered on 28th February 1919. The application Under Section 176, Criminal P.C. was moved by the Public Prosecutor on 2nd August 1949, i. e. more than five months after the decision of the murder case. It is true that there was much delay in filing the application Under Section 176, Criminal P.C. But the accused appears to have committed perjury in a serious case. There is such a clear conflict between the two sets of statements made by Harji that at least one of the three statements must have been made by him knowing that it was a false statement. I therefore agree with the learned Sessions Judge that it is expedient in the interest of justice that Harji should be tried: Under Section 193, Penal Code. The appeal is dismissed.

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