

**Kishan Narayan Vs. the State**

**Kishan Narayan Vs. the State**

**SooperKanoon Citation :** [sooperkanoon.com/756263](http://sooperkanoon.com/756263)

**Court :** Rajasthan

**Decided On :** May-23-1958

**Reported in :** AIR1958Raj350

**Judge :** Jagat Narayan, J.

**Acts :** [Code of Civil Procedure \(CPC\) , 1908](#) - Sections 115; [Press and Registration of Books Act, 1867](#) - Sections 1

**Appeal No. :** Criminal Revn. No. 156 of 1957

**Appellant :** Kishan Narayan

**Respondent :** The State

**Advocate for Def. :** Raj Narain, Asst. Govt. Adv.

**Advocate for Pet/Ap. :** B.D. Sharma, Adv.

**Disposition :** Application rejected

**Judgement :**

ORDER

**Jagat Narayan, J.**

1. This is a revision application by one Kishan Narayan, owner of a printing press in Jodhpur, against his conviction under Section 12 of the [Press and Registration](#)

[of Books Act, 1867](#), for a breach of Section 3 of the Act.

2. The only question for determination in this case is whether a leaflet, which has been held by both the courts below to have been printed in the press of the applicant, is a book within the meaning of the [Press and Registration of Books Act, 1867](#), as it stood in 1952.

Questions of fact cannot be gone into in revision in the face of concurrent finding of facts by the two courts below. Section 3 lays down that every book or paper printed within India shall have printed legibly on it the name of the printer and the place of printing. The contention of the applicant before the court below was that the leaflet in question does not fall within the definition of 'book' contained in the Act.

'Book' is defined as including every volume, part or division of a volume, and pamphlet in any language, and every sheet of music, map, chart, or plan separately printed. The learned Sessions Judge has held that the leaflet in question was a pamphlet. In my opinion, his decision is correct.

3. On behalf of the applicant *State v. Udit Narain*, AIR 1955 All 524 (A), was cited. In that case it was held that a notice announcing holding of a public meeting to oppose the transfer of a Deputy Commissioner was neither a book, nor a paper within the meaning of the [Press and Registration of Books Act, 1867](#).

It was laid down that the word 'paper' was intended to cover all those papers which could not be defined as 'books', or 'newspapers'; but which had historical, cultural or literary value.

4. That case is clearly distinguishable because there the document was a notice only announcing the holding of a public meeting. The leaflet in question in the case before me is a defamatory leaflet of 4 pages which is not stitched, it contains a large number of allegations against two individuals. It is headed 'This Allahbux -- Mathur and Company presents its naked picture before the public etc.'

In Wharton's Law Lexicon 'pamphlet' is defined as a small book, usually printed in the octavo form, and stitched. In the Concise Oxford dictionary 'pamphlet' is

defined as a small unbound treatise specially on subject of current interest. 'Treatise' is defined as a literary composition dealing more or less systematically with a definite subject.

The leaflet in question is undoubtedly a composition defaming the two persons named in the heading systematically. I am unable to agree that merely because the subject of composition is defamatory it will be taken out of the definition of 'treatise'. 'Literary' merely means occupied with literature.

A literate person is one who has some acquaintance with literature. A person who is able to read and write has some acquaintance with literature. Literature need not always be philosophical or moral. It can equally be immoral.

5. I am accordingly satisfied that the leaflet in question is a pamphlet and is therefore a book within the meaning of the [Press and Registration of Books Act, 1867](#). The conviction of the applicant is therefore proper. The sentence of fine of Rs. 50/- imposed on him is not excessive.

6. I accordingly reject the application.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**