

**In Re: Govindan**

**In Re: Govindan**

**SooperKanoon Citation :** [sooperkanoon.com/776106](http://sooperkanoon.com/776106)

**Court :** Chennai

**Decided On :** Jan-22-1958

**Reported in :** AIR1958Mad300; (1958)IMLJ347

**Judge :** Somasundaram, J.

**Appellant :** In Re: Govindan

**Judgement :**

ORDER

**Somasundaram, J.**

1. These revisions have been taken up by the High Court. Accused 1 and 2 were charged by the police under Section 75 of the City Police Act. Accused 1 pleaded guilty and has been sentenced to pay a fine of Rs. 25. Accused 2 did not plead guilty but stated that he was employed under accused 1 and his salary for 28 days was due to him from accused 1. He was beaten by accused 1 when he went and demanded wages. No evidence has been let in on the side of the prosecution in support of the charge under Section 75.

2. So far as accused 1 is concerned in-view of his plea of guilty his conviction will have to be confirmed. So far as accused 2 is concerned, as he has not pleaded guilty and as there is no evidence let in to prove that he also behaved in a disorderly manner in a public place he cannot be found guilty of the offence under Section 75. The conviction of accused 2 is therefore set aside.

3. The learned Honorary Presidency Magistrate while sentencing accused 1 to a fine of Rs. 25 has ordered compensation to be paid to accused 2. Out of the fine, if collected, he directed that a sum of Rs. 10 should be paid to accused 2. In the absence of any evidence to show that the second accused was guilty of disorderly behaviour there is no reason why the Court should not accept the statement of accused 2 that he was beaten by accused 1 where he demanded wages due to him. The Honorary Magistrate found that he had bleeding injuries on his person. The beatings by accused 1 is established by the plea of guilty by accused 1.

4. In the view of the Magistrate the second accused was also guilty of the offence. The second accused was admonished and released., When two accused are found guilty for the same offence the Code does not contemplate giving compensation by one accused to the other accused. The trial Court has therefore no jurisdiction to award compensation out of the amount collected from accused 1 to be paid to accused 2. The order of compensation has therefore to be set aside and is hereby set aside.

5. So far as accused 1 is concerned he has been asked to execute a bond for Rs. 50 to keep the peace for 18 months. I think that a period of nine months will meet the ends of justice. The period of bond will therefore be reduced to nine months.

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