

In Re: Ippili Magatha and anr.

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SooperKanoon Citation : sooperkanoon.com/783753

Court : Chennai

Decided On : Nov-21-1919

Reported in : (1920)38MLJ27

Appellant : In Re: Ippili Magatha and anr.

Judgement :

ORDER

1. We are unable to agree with the learned Sessions Judge that the present case is covered by In the matter of Ramaya Naika I.L.R. (1903) M. 419. What was decided by the Full Bench in that case was that the word assistance in the first portion of the section must be read as being ejusdem generis with the same word occurring in the latter portion of the section. In the present case, the accused were called upon to assist the Salt Inspector in making a search. Under Section 103 of the Code of Criminal Procedure, he is authorized to call upon the villagers to assist him in the execution of that duty. The last sentence of Clause (2) of Section 103 suggests that while the rendering of assistance in making the search is imperative on the persons called upon to assist, they are not compellable by the Inspector to attend the Court to give evidence without a summons in that behalf. Therefore the duty for discharging which these accused were requisitioned by the Inspector was ejusdem generis with that mentioned in the second clause; consequently, the refusal of the accused to assist the Inspector is an offence punishable under Section 187 I.P.C. The conviction is therefore right. The papers will be returned.

