

In Re: Kandaswami Goundan

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SooperKanoon Citation : sooperkanoon.com/788936

Court : Chennai

Decided On : Oct-10-1923

Reported in : 76Ind.Cas.962; (1924)46MLJ45

Appellant : In Re: Kandaswami Goundan

Judgement :

ORDER

Spencer, J.

1. I am unable to accept the suggestion that the offence committed by the accused in resisting the Revenue Inspector, who distrained property of the accused for arrears of revenue, fell short of an offence under Section 353, I.P.C. for the sole reason that the warrant of distraint was addressed to the village headman and not to the Revenue Inspector. The latter was supervising the work of the headman, as it was his duty to do, and he had been specially enjoined by his superior, the Tahsildar, to attend to the work of distraint. The cases of Queen Empress v. Dalip ILR (1896) A 246 and Rex v. Roxburgh 12 Cox. Cr. Cases 8 are distinguishable. In the former there was a failure to comply with the strict requirements of Section 56 of the Code of Criminal Procedure which failure made the act of the constables unauthorised, and in the latter the constable acted lawfully though not in the exercise of his duty as a police officer.

2. The conviction, therefore, is legal under Section 353, I.P.C. and in respect of the charge of insult (Section 504, I.P.C.) which was added at the trial, there is evidence to support it and no rebutting evidence.

3. P. W. 4 does not speak to the insult and P. W. 5 does not say what words were used though he says that the accused uttered defamatory language. Ex. A, a statement taken at the time, also corroborates it. I consider it unnecessary to call upon the joint Magistrate to find distinctly whether this charge was proved.

4. As regards sentence, the accused was awarded two sentences, one of three months and one of two months rigorous imprisonment to run concurrently.

5. He has already undergone 28 days imprisonment and I consider that he has had a sufficient lesson for losing his self control and daringly resisting the officers of Government. After all the bull was attached and the Government demand was satisfied. No one was physically injured. The affair assumed a serious importance because the Revenue Inspector was flouted and the authority of the Revenue Authorities to collect the arrears of revenue was set at naught.

6. I reduce the sentence to the amount of imprisonment already undergone and direct that the accused be released from his bond.