

In Re: Ramasamy Gounden

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Court : Chennai

Decided On : Jul-30-1915

Reported in : AIR1916Mad648; 30Ind.Cas.434

Judge : Seshagiri Aiyar, J.

Appellant : In Re: Ramasamy Gounden

Judgement :

ORDER

Seshagiri Aiyar, J.

1. I am wholly unable to understand how on the facts stated by the Magistrate any offence was committed under Section 228, Indian Penal Code. The Magistrate says that the proceedings in his Court were interrupted by the audible remark made by the accused. That is not enough to convict the accused. The Court has to be satisfied that the accused intentionally offered interruption to the Court. There are no materials on which a Magistrate could have come to the conclusion that the accused intended to insult him, or to interrupt his proceedings. Courts who take action under Section 228 ought not to give room for the belief that they are unduly sensitive about their dignity. In cases coming under section, the Court is both necessary to see that the powers are used only in exceptional cases. This is not the first instance in which the Magistrate took action under this section. Constant proceedings of this character will have a tendency to interfere with the proper

administration of justice, as they would put the parties in fear of a possible summary punishment for acts which may be innocently committed. I set aside the conviction and direct the fine to be refunded.

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