

**In Re: Selathu and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/801806](http://sooperkanoon.com/801806)

**Court :** Chennai

**Decided On :** Sep-17-1948

**Reported in :** 1949CriLJ797; (1948)2MLJ522

**Appellant :** In Re: Selathu and ors.

**Judgement :**

ORDER

**Horwill, J.**

1. The 17 petitioners were charged by the First Class Bench Magistrates, Uthamapalayam, under Section 506, Indian Penal Code, that on the night of 3rd June, 1947, they threatened P.Ws. 1 to 6 with harm and social boycott if they continued to work (as agricultural labourers) for their masters.

2. The consistent testimony as to what happened on the night of 3rd June, 1947, is only with regard to the social boycott. It is true that the various witnesses add some other threat, but in that respect one witness does not corroborate another. The Magistrates seem also to have taken into account the various threats and obstructions on the following morning which were not the subject of the charge.

3. Two questions only arise: (1) Whether the threat of social boycott is an offence punishable under Section 506, Indian Penal Code and (2) whether it has been proved that all the 17 petitioners were guilty of the offence with which they were charged.

4. Since the petitioners were trying to improve their lot by bargaining with the mirasdars to obtain better conditions and trying to persuade their fellow-labourers not to work until they had secured better terms, it seems to me that they were entitled to enforce a social boycott against those who decided to work; for that would not amount to an injury within the meaning of Section 44, Indian Penal Code, as was held by Burn, J., in *Arumugha Mudaliar v. Muthiah Mudaliar* (1933) M.W.N. 736. Excommunication may in some cases give a cause of action for a civil suit, but not for a criminal case. The threat to deprive the witnesses of the services of the barber and washerman may stand on a somewhat different footing; but it is difficult to see how it can be illegal to ask these two servants not to shave or wash the clothes of those who refuse to help in securing better conditions of agricultural service. If this is not illegal, then the threat to do so is not punishable under Section 506, Indian Penal Code.

5. The evidence as to the threat on the evening of the 3rd June, is very general and indefinite. It is that 'they said, 'you should not go to work '...' 'they' presumably meaning the 17 petitioners. It is most unlikely, however, that the 17 petitioners were speaking in chorus and using the very same words: 'If you go, we will exclude you from having service of washerman and barber.'

6. There is no reason to doubt that some of the petitioners said this; but the witnesses have not attempted to discriminate between one petitioner and another. There is therefore grave doubt as to whether any particular petitioner uttered such a threat.

7. The petition is allowed, and the convictions and sentences set aside.