

Madappa Goundan Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/804285

Court : Chennai

Decided On : Aug-11-1916

Reported in : 43Ind.Cas.403

Judge : Seshagiri Aiyar, J.

Appellant : Madappa Goundan

Respondent : Emperor

Judgement :

ORDER

Seshagiri Aiyar, J.

1. Mr. Madhavan Nair has dissected the judgment of the Magistrate with great skill and I may say that portions of the judgment lend themselves to hostile attack at the hands of an able Advocate; but there is no question that the Magistrate has found that the letter in question was written prima facie with a view to injure the second persecuting witness and that its effect has been to lower the British prosecution witness in the estimation of his subordinates and the public. A reading of the letter leaves no room of doubt in my mind upon that question. It says in one portion of it that the Village Munsif is a very rich man and that he has gained over the Forest Officers to his side and has been grazing goats in the reserve. This is followed by the sentence: 'If the Cauvery Range Officer knows of the matter (that is the inquiry), he will inform the guards and will give intimation to the Village Munsif and

others.' There can be no doubt that the implication intended in the letter is that the Forest Officer (first prosecution witness) had been gained over by the Village Munsif and that if an enquiry into the grazing of the goats is to be entrusted to him, he will warn the Village Munsif and that there will be no conviction. If that is true, the language employed is calculated to lower the first prosecution witness in the estimation of his subordinates and the public. I must, therefore, take it that the finding of the Magistrate, although he has not stated it clearly, is that the letter was written with intent *Prima facie* to harm the second prosecution witness and that it had the effect of lowering the first prosecution witness in the estimation of the public. That satisfies the requirements of Section 499, Indian Penal Code. The question as to whether exceptions 8 and 9 apply to this case need hardly be considered, if I take the finding of the Magistrate to be that the accused acted recklessly and without due care and caution. Undoubtedly there are sentences in the Magistrate's judgment which indicate that his view was that there were no bona fides in the preferring of this complaint to the District Forest Officer. In these circumstances, I think the conviction of the petitioner is right. The petition is dismissed.