

M. Subraya Iyer Vs. Emperor

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Court : Chennai

Decided On : Mar-01-1912

Reported in : 14Ind.Cas.199

Judge : Miller, J.

Appellant : M. Subraya Iyer

Respondent : Emperor

Judgement :

ORDER

Miller, J.

1. I have found some difficulty in applying Section 166 of the Indian Penal Code to this case, but I am not prepared to say that it is wrong to read Section 89 of the District Municipalities Act as containing a direction to refrain from seizing carts employed in the conveyance of passengers and goods. As the Sessions Judge sees no reason for rejecting the evidence that saman had been put in the cart before it was seized, I do not doubt that the cart when seized was, though not actually in motion, employed at the time of seizure, in the conveyance of goods. It is not necessary that I should discuss the Sessions Judge's interpretation of the proviso to Section 89, but I do not wish to be taken as accepting it or as holding that so wide a protection as he seems to think is afforded by it to those who fail to perform the not very onerous duty of paying the registration fee for their carts. In

the present case, there were goods placed in the cart as part of its load and it was about to start and, in those circumstances, I have no doubt that the proviso applies. Dr. Swaminathan suggested that the accused, is not shown to have knowingly disobeyed a direction of the law. I do not find that the accused ever said that he did not know of the proviso, and in the circumstances, he must have known that the cart was employed in the conveyance of goods.

2. As regards the conviction under Section 504, Indian Penal Code, I think it must be sustained. There can be no doubt that the act of the accused was an intentional insult to complainant and I see no reason to differ from the view of the Court below that it was known to the accused to be likely to provoke complainant into committing a breach of the peace. I dismiss the petition.

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