

Empress Vs. Tegha Singh

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Court : Kolkata

Decided On : Mar-07-1882

Reported in : (1882)ILR8Cal473

Judge : Cunningham and ;Tottenham, JJ.

Appellant : Empress

Respondent : Tegha Singh

Judgement :

Cunningham, J.

1. With reference to Section 579 of the Criminal Procedure Code and the concluding heading of the fourth schedule ('offences against other laws,') and Section 19, Clause (f) of the Arms Act, XI of 1878, we are not satisfied that there has been any illegality in the proceeding's either of the Police Inspector in this case or in the conviction of the accused.

2. Section 25 of the Arms Act appears to refer to cases in which the Magistrate considers that arms, whether under a license or not, are possessed 'for an illegal purpose,' or under circumstances such as to endanger the public peace, neither of which conditions is suggested as existing here. It is not clear from the Sessions Judge's reference whether the Police Inspector was specially empowered under Section 30. That section appears to contemplate the presence of some specially

empowered officer besides the officer conducting the search.

3. There is nothing in the Act to exempt the custodians of the temple from complying with the requirements of the Act either by taking out a license or obtaining exemption under Section 27.

4. On the other hand, they may well have imagined that the Act did not extend to weapons which were objects of interest or worship rather than 'arms' in the proper sense of the word.

5. We set aside so much of the Deputy Magistrate's order as refers to the division of the value of the fire-arms and the fine imposed between the informer and the Inspector, and we direct that the case be submitted for such orders as the Government of Bengal may be pleased to pass.

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