

The Empress Vs. Kassim Khan

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Court : Kolkata

Decided On : Apr-13-1881

Reported in : (1881)ILR7Cal121

Judge : Richard Garth, C.J., ;Pontifex, ;Morris, ;Mitter and ;McDonell, JJ.

Appellant : The Empress;The Empress

Respondent : Kassim Khan;mussamut Dahia and anr.

Judgement :

Garth, C.J.

1. We think it plain that, neither the words 'shall answer all questions' in Section 118 of the Criminal Procedure Code, nor the words 'shall be bound to answer all questions' in Section 119, of the same Code, constitute' an express provision of law to state the truth' within the meaning of Section 191 of the Penal Code.
2. Sections 118 and 119 are in our opinion, merely intended to oblige persons to give such information as they can to the Police in answer to questions which may be put to them, and they impose no legal obligation on those persons to speak the truth, unless we import the word 'truly' in each Section after the word 'questions' which we clearly have no right to do.
3. Investigations in a Police Court are not, as a rule, conducted with the same care and accuracy as proceedings in a Court of Justice; and we think that it would be

extremely dangerous to the liberty of the subject, if information thus loosely taken by a Police officer could be made the subject of a prosecution for giving false evidence.

4. It may be that, in some cases, the giving of false information may be made the subject of a different charge under other Sections of the Penal Code; but this is a matter upon which we are not now called upon to give an opinion.

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