

Monohar Ali Vs. Emperor

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Court : Kolkata

Decided On : Dec-08-1926

Reported in : AIR1927Cal515

Appellant : Monohar Ali

Respondent : Emperor

Judgement :

1. This is a complaint made by the Sessions Judge of Noakhali under Section 476, Criminal Procedure Code, against one Monohar Ali on the ground that this person gave false evidence in his Court. In his complaint the learned Judge states that Monohar appears to have given false evidence before him in the Sessions Case No. 1 of April 1926, having made the following statement:

I know Golam Rahaman, son of Idris constable's sister. He married P.W. Monu Chowkidar's sister now dead.

2. The learned Judge is of opinion that this statement that 'Monu Chowkidar's sister now dead' is false because it was contradicted by Manu Chowkidar himself. He states that his sister is not dead but has been divorced and is still living. It may here be stated that the case in which this false evidence is alleged to have been given was a case of theft brought against Noab Ali by one Nazir Ahmed. It was alleged in that case that Noab Ali had entered Nazir Ahmed's house and stolen a number of articles. Mr. Khundkar, the counsel for the Crown, admits that whether

Monu Chowkidar's sister was alive or whether she was dead had nothing whatever to do with the case and nothing in the case turned upon it. Obviously, therefore, whether she was alive or dead made no difference whatever in the case. If the false statement made is clearly immaterial and if nothing hinges on it then clearly this is not a fit case for making a complaint for the prosecution of the witness.

3. The result is we must order that this complaint should be withdrawn.

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