

Braja Behari Burman Vs. Emperor

Braja Behari Burman Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/875810

Court : Kolkata

Decided On : Dec-19-1930

Reported in : AIR1931Cal349

Appellant : Braja Behari Burman

Respondent : Emperor

Judgement :

Lort-Williams, J.

1. In this case the appellant was charged under Section 121-A, I. P. C, and convicted and sentenced by the Chief Presidency Magistrate to two years' rigorous imprisonment. He is the registered keeper of the Mahamaya Press and the proprietor of the Barman Publishing House which businesses were carried on at 193 Cornwallis Street, and are now carried on at 191, Cornwallis Street. In that press was printed a book 'Fansir Asirbad' which without any doubt is a seditious work. It has not been contended otherwise by the appellant. The only point raised by him is that, although he is the registered owner of the press and proprietor of the press and the proprietor of the publishing house carried on in conjunction with that printing business he is not liable to be convicted under this section because it has not been shown that he had knowledge of the contents of this work and therefore it cannot be presumed that he intended to excite disaffection by printing it. The evidence is that he was arrested in these premises which consist of only

two rooms, that when a search was made a part of the manuscript of the book was found, also posters advertising the publication, and three blocks for a certain picture called the 'Picture of the Shackled Feet' which appears in this book, and a large poster was displayed announcing the publication. All these were in the premises for anybody to see.

2. The contention of the appellant is that nevertheless he might have been present carrying on his business in these premises without having any knowledge of the contract for publishing this work. The evidence to which I have referred is ample to show that a prima facie case has been established. The man who is the proprietor and owner of the press and the publishing house connected with it cannot be allowed to contend that he can shut his eyes to everything going on upon his premises 'and then pretend that he has no knowledge of the contents of the publications 'printed and issued by him. As I have said there is a complete prima facie case against him. It is quite true that if he had liked, and if he had been able to do so, he could have evidence to show that, in spite of this circumstantial evidence against him, in fact he was away from the premises during the whole time that the book was being printed and published, and that he had not been informed either of the printing and publication or of the contents of the book. He has called no such evidence and the result is that he has been rightly convicted. It is said that there is no proof that he had the intention to excite disaffection. But a man is presumed to intend the reasonable consequences of his own acts, and if he chooses to print and publish a document such as this the intent to excite disaffection is to be presumed. On the question of sentence it should be recognized that just as receivers are probably worse than thieves because without receivers there would be less thieves so the position of printers of such documents is probably worse than that of the authors because the seditious acts of the author would be far less extensive in their operation if it were not for the existence of persons able and willing to print and publish them. For these reasons this appeal is dismissed.

S.K. Ghose, J.

3. I agree.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com