

(1923) 07 AHC CK 0026**Allahabad High Court****Case No:** None

Emperor

APPELLANT

Vs

Angnu

RESPONDENT

Date of Decision: July 13, 1923**Acts Referred:**

- Criminal Procedure Code, 1898 (CrPC) - Section 242, 243
- Uttar Pradesh Municipalities Act, 1916 - Section 85(1)

Citation: (1924) ILR (All) 41**Hon'ble Judges:** Daniels, J**Bench:** Single Bench**Final Decision:** Dismissed

Judgement

Daniels, J.

These are ten applications in revision by ten sweepers who have been convicted u/s 85(1) of the U.P. Municipalities Act and sentenced to two months" rigorous imprisonment. That section renders a Municipal sweeper who resigns or abandons his employment without the permission of the Board liable to two months" imprisonment. The section is a very drastic one and requires to be very carefully worked. It was obviously enacted to meet the grave public danger which may arise from a sudden strike of sweepers in a town. In this case there is no question whatsoever that the action of the sweepers amounted to an offence under the section. It appears that on the 10th of April they had sent a notice to the Board demanding an increase of pay. Having received no reply to this, they, on the 20th of April, sent a further notice threatening to strike on the 1st of May unless their demands were granted. This notice appears to have been sent by almost the entire staff of the sweepers of the municipality. On the 1st of May they abandoned their work in accordance with the notice. It appears that the matter was under the consideration of the Municipal Board and no reply had been given to their notice. The Magistrate thereupon sent for ten of the ring-leaders, and on their admitting

the facts, sentenced them by a summary trial as stated above. The procedure adopted was drastic and could only be justified by the extreme danger to the health of the town which would result if it was left unscavenged. The Magistrate has stated in his explanation that he examined the Health Officer in one case and the latter stated that there was danger of a cholera epidemic. It is said that the trial was illegal, but, having regard to the provisions of Sections 242 and 243 of the Criminal Procedure Code, I am not prepared to hold that this was the case. The judgment has also been attacked, but it complies strictly with the provisions of Section 263, Criminal Procedure Code.

2. A plea has been taken on "the ground of sentence. The accused are now on bail, having already served more than a month and a half of their sentence. The danger which led to the proceedings has passed, and, in my opinion, it is not necessary to send them back to jail to undergo the remainder of their sentence. I accordingly reduce the sentence to the amount already undergone but in other respects dismiss the applications.