

(1917) 07 AHC CK 0009

Allahabad High Court

Case No: None

Emperor

APPELLANT

Vs

Mathura Prasad

RESPONDENT

Date of Decision: July 25, 1917

Citation: (1917) ILR (All) 715

Hon'ble Judges: Walsh, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Walsh, J.

In this case the question is whether the accused made a false charge u/s 211. What amounts to a "charge" must in the absence of a definition in the Code itself depend largely upon the circumstances, and it is, therefore, impossible to lay down any general rule. But I accept what I understand to be substantially the view taken in Chenna Malli Gowda v. Emperor ILR (1904) Mad. 129 and also in Chinna Ramana Gowd v. Emperor ILR (1908) Mad. 506 that a false "charge" must be made to an officer or to a court who has power to investigate and send it for trial, and if it is made to such a person then I think it comes within the section, and I adopt the view of Mr. Justice Chamier in Zorawar Singh v. King-Emperor (1911) 8 A.L.J. 1106 that there being no definition of the word "charge" and there being no procedure of the nature of a "charge" in the Indian law, the question is, whether the accusation is made with the intention to set the law in motion. That, however, is not sufficient to dispose of this case. In this case what the accused said to the officer in charge was "I find there has been a theft, I suspect the persons named, and I want an inquiry to be made." I think it would be straining this language to hold that it amounts a charge, If it was false, then it was a false report made to the officer u/s 182, I therefore quash the conviction, without prejudice to any proceedings which it may be thought right to bring against the accused u/s 182, with just a word or two of warning. The observation made by the appellant's counsel before me is a just

observation, namely, that if there was ill-feeling between him and these four persons, that leads just as forcibly to the inference that he honestly believed that they had done what had happened if what he alleges had really taken place, as to the other inference which the court below has drawn that the charge was necessarily false. The court below must, I think, in dealing with the case u/s 182, be satisfied beyond doubt that Mathura Prasad had no reasonable ground at all for believing that an attempt had been made upon his property and that the whole story was an invention.