

(1926) 06 AHC CK 0035

Allahabad High Court

Case No: None

Faqir Julaha

APPELLANT

Vs

King-Emperor

RESPONDENT

Date of Decision: June 9, 1926

Acts Referred:

- Penal Code, 1860 (IPC) - Section 500

Citation: AIR 1926 All 711

Hon'ble Judges: Walsh, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Walsh, J.

This is an application by Faqir Julaha from an order of a First Class Magistrate convicting him of an offence u/s 500 of the Indian Penal Code, and sentencing him to pay a fine of Rs. 25. The facts of the case are very simple. The case started on a complaint made by one Sheikh Mohar Ali to the effect that he was invited by the applicant to a feast at the latter's house along with a large number of biradari people but that when he sat down to dinner he was asked by the applicant to leave the place and was thus disgraced. The applicant's defence was that the complainant came uninvited and was, therefore at the instance of some biradari people asked to leave the place. On the evidence produced before him the learned Magistrate found that the complainant had in fact been invited by the applicant and considering it sufficient for the purpose of establishing a charge u/s 500 of the Indian Penal Code recorded a conviction, as mentioned above. Hence the present application.

2. It appears to me that no elaborate argument is needed to show that the conviction in the present case is not correct in law. In his statement on oath the complainant states quite clearly and definitely that all the applicant did was to ask

him to leave the place without giving any reason or making any imputation whatever. There is no allegation in the complaint itself that any imputation of any sort calculated to harm the complainant's reputation was made by the applicant. Now the offence which is made punishable u/s 500 of the Indian Penal Code, has been defined in Section 499 of the Indian Penal Code. A perusal of this section would show that the essence of the offence defined there is some sort of an imputation calculated to harm the reputation of some person. In the present case there is absolutely no allegation to that effect. Even if we accept all the facts alleged by the complainant the utmost that can be said is that the applicant's conduct was very reprehensible from a social point of view. But, I do not think it possible to urge that there was any element of criminality in it. The charge-sheet as framed against the applicant only states that he made the complainant leave the place in spite of having issued an invitation to him. This charge-sheet does not in my opinion make out any offence. Criminal law is not meant to punish every insult however grievous, offered by one person to another in the course of social relations. I, therefore, submit the record of the case with the recommendation that the conviction and sentence be set aside.

3. I accept this reference and quash the conviction and fine which must be re-paid.