

(1881) 04 CAL CK 0012

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Kassim Khan

The Empress Vs

Mussamut Dahia and

Another

RESPONDENT

Date of Decision: April 13, 1881

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 119
- Penal Code, 1860 (IPC) - Section 191

Citation: (1881) ILR (Cal) 121

Hon'ble Judges: Richard Garth, C.J; Pontifex, J; Morris, J; Mitter, J; McDonell, J

Bench: Full Bench

Judgement

Garth, C.J.

We think it plain that, neither the words "shall answer all questions" in Section 118 of the Criminal Procedure Code, nor the words "shall be bound to answer all questions" in Section 119, of the same Code, constitute" an express provision of law to state the truth" within the meaning of Section 191 of the Penal Code.

2. Sections 118 and 119 are in our opinion, merely intended to oblige persons to give such information as they can to the Police in answer to questions which may be put to them, and they impose no legal obligation on those persons to speak the truth, unless we import the word "truly" in each Section after the word "questions" which we clearly have no right to do.

3. Investigations in a Police Court are not, as a rule, conducted with the same care and accuracy as proceedings in a Court of Justice; and we think that it would be extremely dangerous to the liberty of the subject, if information thus loosely taken by a Police officer could be made the subject of a prosecution for giving false

evidence.

4. It may be that, in some cases, the giving of false information may be made the subject of a different charge under other Sections of the Penal Code; but this is a matter upon which we are not now called upon to give an opinion.