courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

Printed For:

Date: 30/10/2025

Emperor Vs Moro Balvant Marathe

Criminal Application for Revision No. 166 of 1913

Court: Bombay High Court

Date of Decision: July 13, 1913

Acts Referred:
Penal Code, 1860 (IPC) â€" Section 504, 95

Citation: (1913) 15 BOMLR 1039

Hon'ble Judges: Shah, J; Batchelor, J

Bench: Division Bench

Judgement

Batchelor, J.
This is an application in our revisionary Jurisdiction and is made by one Moro Balvant Marathe who is a pleader of the

District Court of Belgaum. He has been convicted of assault otherwise than on grave provocation u/s 352 and of intentional insult with intent to

provoke a breach of peace u/s 504 of the Indian Penal Code. He has been sentenced to a total fine of Rs. 16.

2. It appears that the complainant, who is not a pleader, intruded into the Pleaders'' Room at Belgaum in order to see the Hon''ble Mr. Belvi who

is a pleader in that District. The applicant objected to the complainant''s presence, and in his presence the rule was read out to the effect that the

room was reserved for pleaders, and that if any parson not a pleader entered the room and his presence was objected to, it was incumbent upon

such person to withdraw. The complainant, however paid no attention to the hint thus conveyed to himr and the applicant then formally notified to

him his objection to his presence in the room, reserved for pleaders. The complainant, however, instead of having the grace to withdraw from the

room where he had no right to be and where his presence was objected to, refused to leave the room and sat resolutely down. Then the applicant

went to him and put him out of the room. Afterwards the complainant again returned to the Pleaders'' Room, and on that occasion the applicant

used to him abusive language, for which he has been convicted u/s 504. Very shortly after this somewhat trifling but unfortunate occurrence, the

applicant sent to the complainant an apology in which, alluding to the incident which "" had just occurred,"" he says : "" I feel great regret and

apologise to you for that incident. Inconsequence of certain circumstances to which I need not refer, I lost my temper which I ought not to have

lost. Whatever it may be, I feel very sorry, for what occurred and I beg to be excused. Let the matter end there with common understanding.

Three days after wards, however, the complainant elected to file this complaint. We agree with the learned Sessions Judge in thinking that the

Pleaders'' Room in the District Court of Belgaum was, for our present purposes, a private room and that the complainant was not entitled to persist

in remaining there after his presence had been objected to. That he did so persist is, in our opinion, 1 clear evidence that his intention was to annoy

the applicant. There is no evidence upon which we can believe that any unnecessary violence, or indeed any real violence at all, was used by the

applicant towards the complainant, and in these circumstances we do not find that the applicant exceeded his rights in putting this trespasser out of

the Pleaders'' Room. The charge, therefore, u/s 352 cannot be sustained.

3. As regards the charge u/s 504, Mr. Bakhale has with some vehemence urged upon us the contention that the actual words of abuse, whatever

may be their etymological significance, are yet used amongst the people in common every day life without any particular meaning or sting. While we

do not deny that there may be some force in this argument, we wish to express our unqualified disapproval of the use of such words as those

proved here to have been used by a pleader in the District Court premises. At the same time when we pay attention to the circumstances of

provocation in which those words were uttered, to the frank and sincere apology which immediately followed their use, we come to the conclusion

y that the use of them may, without undue straining, be brought within the protection allowed by Section 95 of the Indian Penal Code to acts

which, though likely to cause harm are likely to cause only such slight harm that no person of ordinary sense and temper would complain of them.

4. We think, therefore, that the conviction u/s 504 is also unsustainable.

5. For these reasons we make the rule absolute, reverse the convictions and sentences and direct that the fine, if paid, be refunded.