

Allahabad High Court

Sadanand And Anr. vs State on 17 December, 1951

Equivalent citations: AIR 1952 All 515

Author: Agarwala

Bench: Agarwala

ORDER Agarwala, J.

1. The applicants were alleged to have insulted the Panches of a Panchayati Adalat while the Adalat was discharging its duties and obstructed its work. The Sarpanch of the Panchayati Adalat made a report to the Sub Divisional Magistrate who directed that the report be submitted to the Judicial Officer concerned. The case was then taken cognizance of by the Judicial Officer and he convicted the applicants under Section 228, Penal Code, in a summary trial and sentenced each of them to a fine of Rs. 50 or in default to undergo one month's rigorous imprisonment. A revision application was made to the Additional Sessions Judge who dismissed it.

In this revision before me, the only point urged is that the complaint was not properly filed. It is pointed out that under G. O. No. 12353 dated 20-10-1949, it is provided that on receipt of a report from the Panchayati Adalat the Sub-Divisional Magistrate should file a complaint. It is urged that in this case the Sub-Divisional Magistrate did not file the complaint but sent the report of the Sarpanch to the Judicial Officer. In my opinion, the Government Order was substantially complied with. The Sub. Divisional Magistrate by sending the report itself to the Judicial Officer obviously intended that the Judicial Officer should take cognizance of the offence that had been committed. That is tantamount to his filing a complaint before the Judicial Officer.

A complaint is nothing but "an allegation made orally or in writing to a Magistrate with a view to his taking action under the Code of Criminal Procedure that some person whether known or unknown has committed an offence."

This purpose was obviously served by the Sub-Divisional Magistrate sending the report of the Sarpanch to the Judicial Officer. There was no irregularity at all committed by the Sub Divisional Magistrate, and even if there was one, it is wholly immaterial, and the accused were not at all prejudiced. In a revision petition this Court is not bound to take notice of such irregularities.

2. It is urged that the sentence is too severe. In my opinion, instead of the sentence being severe, it is too lenient. Persons who insult Courts should always be severely dealt with.

3. The application is rejected.