

B. R. Meena

Vs

Mangal Das Chiman Lal Barot and Another

Criminal Appeal No. 303 of 1978

(A. P. Sen, V. B. Eradi JJ)

31.03.1987

ORDER

1. After hearing learned counsel for the parties, we find it rather difficult to support the view expressed by the High Court. All that has been established in the case is that the appellant who was the Divisional Commercial Superintendent, Western Railway had, during the course of his investigation at Kandala Railway Station lost his temper and uttered some offensive words directed against the Assistant Station Master, Mangal Das Chiman Lal Barot, who has filed this complaint under Section 504 of the Indian Penal Code, 1860. The prosecution evidence does not make out the ingredients of offence under Section 504. The mere utterance of abusive words without more does not constitute an offence under the Section. The essential requirements are that the accused must intentionally insult and such insult must give provocation to any person and further that he must have the requisite knowledge that such provocation will result in breach of public peace or commission of any other offence. These requirements of Section 504 are not made out and the conviction of the appellant under the section cannot be sustained. We accordingly set aside the judgment and order of the High Court and acquit the appellant of the offence with which he was charged.

</html