

## CALCUTTA HIGH COURT

Poonit Singh

Vs

Madho Bhot

(Mitter and Grant, JJ.)

22.07.1886

### JUDGMENT

#### **Mitter and Grant, JJ.**

1. Two points of law have been argued before us: first, that the Magistrate was not authorised by law to allow this prosecution to be instituted on the complaint of a private individual. In support of this contention the learned Counsel who appeared for the petitioner has cited a ruling of the *Allahabad High Court- Empress of India v. Radha Kishhn*<sup>1</sup> With due deference to the learned Judge who decided that case, we are unable to take the view which has been taken in it. The language of Section 195 clearly shows that it would be quite sufficient if either the sanction of the public servant mentioned therein were given, or a complaint is directly made by him. That being so, we are unable to agree in the proposition of law laid down in the case cited before us. This point therefore fails, but upon the second point which has been taken before us, we think that the conviction and sentence in one of the two cases are bad. The accused person was charged with having given a false information to a public servant, and in that information no doubt he mentioned the names of two persons in whose houses he, the accused, was informed that stolen property belonging to Anandi Doss would be found, but the statement is one, and therefore he could be charged only with having made one false statement. He was therefore erroneously tried for two distinct offences under Section 182. We therefore set aside the conviction and sentence in the second case, viz., the case which was initiated on the complaint of Sheikh Abdulla. The conviction and sentence passed by the Magistrate in the case which was instituted on the complaint of Madho Bhot, gomastah of Baboo Chunder Coomar, will stand.

Cases Referred.

<sup>1</sup> I.L.R. 5 All. 36