

of equal division is the outcome of the desire to give effect to both principles. See also Vyavahara Mayukha, chapter IV, section IX, verse 13, to the same effect, and Mayne, fourth edition, paragraphs 542, 543. RAMASAMI
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In the present case the plaintiff was himself competent to reunite with his paternal uncle, and as Thammi's adopted son he has inherited the status and rights of his adoptive father. (Smriti Chandrika, chapter XII, 7.) The decision of the District Munsif decreeing him one-third was, therefore, right.

We must reverse the decree of the District Judge and restore that of the District Munsif. The plaintiff is entitled to his costs in this and in the Lower Appellate Court.

APPELLATE CRIMINAL.

Before Mr. Justice Mattusami Ayyar.

QUEEN-EMPRESS;

v.

HARI SHENOY AND ANOTHER.*

1893.
March 2.
July 21, 24.

*Printing Presses and Newspapers Act—Act XXV of 1867, s. 3—Name of
printer and publisher.*

A newspaper was printed and published bearing the following words:—"Printed and published at Cochin for the Malabar Economic Company at the Company's Goshree Vilasam Press":

Held, that these words did not satisfy the requirements of Act XXV of 1867, s. 3.

PETITION under Criminal Procedure Code, ss. 435 and 439, praying the High Court to revise the proceedings of R. S. Benson, Sessions Judge of South Malabar, in criminal appeals Nos. 32 and 33 of 1892, upholding the conviction of petitioners by B. M. D'Cruz, Deputy Magistrate of Cochin, in calendar case No. 22 of 1892.

The facts of this case appear sufficiently for the purposes of this report from the judgment of the Chief Justice.

This petition was preferred by the accused.

* Criminal Revision Case No. 6 of 1893.

QUEEN-
EMPRESS
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HARI
SHENOY.

Mr. J. G. Smith for petitioners.

The Acting Government Pleader and Public Prosecutor (*Subramanya Ayyar*) for the Crown.

COLLINS, C. J.—The petitioners were convicted under sections 3 and 15 of Act XXV of 1867, the “Printing Presses and Newspapers Act.” They were charged with printing and publishing a newspaper without printing the name of the printer and publisher of such newspaper.

The facts are as follows :—In April 1892 Joseph Nunes, the registered printer and publisher of the paper in question “The Kerala Nandini,” who had made the prescribed declaration under section 5 of the Act, had been convicted of defamation and was sentenced to imprisonment. The newspaper is owned by persons who call themselves “The Malabar Economic Society,” and they have a printing press which they call the Goshree Vilasam Press, and the petitioners are the Manager of the Society and the Superintendent of the Press respectively, and are admitted to have published and printed the newspapers. The only question for the Court to decide is—have the petitioners complied with the provisions of section 3? That section is as follows :—“Every book or paper printed within British India shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) of the publisher, and the place of publication.” Section 5 enacts that no printed periodical work, containing public news or comments on public news, shall be published in British India, unless the printer and the publisher of every such periodical shall make a declaration that they are the printer and publisher of such periodical work.

Section 12 provides a penalty for printing or publishing any paper otherwise than in conformity with the rule contained in section 3. Section 15 does not apply to this case. The petitioners during the time Nunes, the registered printer and publisher, was in prison, published the newspaper with the following words : “Printed and published at Cochin for the Malabar Economic Company at the said Company’s Goshree Vilasam Press.”

I do not think the provisions of section 3 have been sufficiently complied with. It is essential that the name of the printer and in this case the publisher be printed on the paper—this appears clear by the form of declaration given in section 5. In the case

before me, the only information given is that it was printed and published at a place, for a Company, at such Company's Press.

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It appears to me that section 3 is intended to inform the public who are the responsible printers and publishers of newspapers, and if the plain words of the section are to be departed from, the printers and publishers of newspapers might, under an assumed name or by using the name of an unregistered Company, effectually prevent their identity from being established, and that was the evil the section is intended to prevent.

I would confirm the conviction under section 3, and, as the fine is a nominal one, the sentence.

SHEPARD, J.—The petitioners were charged with an offence under the Printing Presses and Newspapers Act. The charge refers to sections 3 and 15. In substance the charge is that they have printed and published a newspaper without printing legibly on it the name of the printer and publisher. The reference to section 15 is erroneous, because that section deals with “any such periodical work as is hereinbefore described” and the description of such work and the rules with regard thereto are to be found in section 5 and not in section 3. The petitioners however do not appear to have been prejudiced by the mistake. Section 3 clearly covers the case of a newspaper and an omission to print legibly on it the name of the printer is, by section 12, made a penal offence.

Are the defendants guilty of printing or publishing a paper “otherwise than in conformity with the rule contained in section 3?” Admittedly they have printed and published a paper on which there are printed the following words:—“Printed and published at Cochin for the Malabar Economic Company at the Company's Goshree Vilasam Press.” It is said that there is no compliance with the rule in section 3, because the name of the printer is not given. It is said that the actual name of the printer should be given and that it should be stated that the paper was printed by him. If the actual name is essential, clearly the conviction is right, but I do not think this can be maintained and indeed the point was given up in argument. So long as a name or style which sufficiently designates the printer is given, it does not matter that it is not the actual name of the man. It is sufficient that it is the name under which he chooses to do business and is generally known.

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Then is it essential that the paper should announce in terms that it is printed by the person named? What is required by the section is that the name of the printer should be printed on it legibly. If without more, it had given the name of the printer and publisher and the place of publication, clearly that would have been sufficient if only the names appeared on the page in such a manner as to convey the required information. Here, the announcement is that the printing is done for a certain Company at their own press. This is not the clearest way of expressing what is required, and it is suggested that the printing might, in fact, be done by a third person. But this is putting a very strict construction on the words. Unless we can say that the words do not convey to an ordinary reader the information required by the Act, the conviction cannot be supported. There is no reason to doubt that the accused intended to convey that information, and I cannot say their intention has not been carried into effect in a manner sufficient to satisfy the statute. I would set aside the conviction and direct the fine, if paid, to be refunded.

This case having been laid before MUTTUSAMI AYYAR, J., with reference to the provisions of sections 429 and 439 of the Code of Criminal Procedure, his Lordship, upon perusing the petition and the records of the case and upon hearing the arguments of Mr. J. G. Smith, Counsel for the petitioners, and of the Acting Public Prosecutor in support of the conviction, delivered the following judgment :

MUTTUSAMI AYYAR, J.—This case comes on before me under sections 429 and 439 of the Code of Criminal Procedure. The question on which the learned Judges, who first heard the case, differed is, whether the accused complied with the provisions of section 3 of Act XXV of 1867. That section provides that “Every book or paper printed within British India shall have printed legibly on it the name of the printer and the place of printing and (if the book or paper be published) of the publisher, and the place of publication.” The words with which the accused published the newspaper called Kerala Nandini are “Printed and published at Cochin for the Malabar Economic Company at the said Company’s Goshree Vilasam Press.” They only mention the place of publication and of the press in which the paper was printed and state that it was on account or for the benefit of an unregistered association called Economic Society. But they

do not name the printer as required by the Act and to this extent there is a departure from its provisions. The intention was to inform the public who the responsible printer was and to convey that information on the face of the paper, and I cannot say that words, which contain no such information, amount to a sufficient compliance with the requirements of section 3. It is urged that the object was to provide to the public facilities towards the discovery of the responsible printer, and that any person might easily discover who the printer was on reference to the Economic Society. The intention was not simply to provide some facility or other, but to provide a specific facility on the face of the paper. It is possible that a person may not be able without considerable inconvenience to discover who the members of the Economic Society are, and that some member may refuse to give or evade giving information regarding the responsible printer.

We are not at liberty, I think, to speculate as to the object of the legislature and to substitute a mode of discovering the responsible printer for that prescribed by the legislature as most conducive to public convenience and protection.

I agree, therefore, with the learned Chief Justice that we must decline to interfere with the conviction and the sentence.

Ordered accordingly.

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APPELLATE CIVIL.

Before Mr. Justice Muttusami Ayyar and Mr. Justice Handley.

KRISHNAN (PETITIONER), APPELLANT,

v.

ARUNACHALAM AND OTHERS (COUNTER-PETITIONERS),
RESPONDENTS.*

1892.
Dec. 2, 14.

Civil Procedure Code—Act XIV of 1882, ss. 244, 311—Execution of decree—Parties to suit—Purchaser of land sold in execution—Confirmation of sale—Objection of unsaleability.

A judgment-debtor having died before the decree was executed, his sons were brought on to the record as his representatives. Ancestral property of the judgment-debtor was then brought to sale in execution and purchased by the decree-

* Appeal against Appellate Order No. 51 of 1891.