

nineteenth defendant having been shown not to be *bonâ fide* and valid it cannot be assumed that at the time of the execution of the renewed kanom there was an adjustment of rent up to that date binding on the Devaswom. These second appeals are dismissed with costs.

MAHIL
RAMAN NAIR
v.
NABAYANAN
NAMBUDIRI-
PAD.

APPELLATE CRIMINAL.

Before Mr. Justice Davies and Mr. Justice Benson.

IN RE BALAMBAL (SECOND ACCUSED), PETITIONER.

1902.
September
30.

Penal Code—Act XLV of 1860, s. 498—“Enticing away” a woman—Charge of abetment against the woman enticed—Validity.

Where a man has been convicted of enticing away a woman, under section 498 of the Indian Penal Code, the woman who was enticed away by him cannot be guilty as an abettor.

Whether a woman could be convicted of abetting the taking away of herself within the meaning of section 498.—*Quære.*

CHARGE (against first accused) of enticing away a married woman (second accused) under section 498 of the Indian Penal Code and (against second accused) of abetment of that offence under sections 498 and 109 of the Indian Penal Code. The Sub-Magistrate of Gingee convicted both accused, sentencing first accused to six months' rigorous imprisonment and to pay a fine of Rs. 100, with one month's further rigorous imprisonment in default, and sentencing second accused to three months' simple imprisonment. This reference was made by the District Magistrate on the ground that as the second accused was the woman whom first accused was charged with enticing away, the second accused could not be punished as an abettor.

The Public Prosecutor in support of the reference.

JUDGMENT.—Whether a woman could be convicted of abetting “the taking away” of herself within the meaning of section 498, Indian Penal Code, we need not now decide, as that is not the offence charged against her, but we are of opinion that when a man

* (Criminal Revision Case No. 36 of 1902.) Case referred for the orders of the High Court under section 438 of the Code of Criminal Procedure by E. A. Elwin, District Magistrate of South Arcot, in his letter, dated 25th July 1902, Reference on Criminal Revision Case No. 30 of 1902.

In re
BALAMBAL.

is convicted, as in this case, of "enticing away" a woman under section 498, Indian Penal Code, the woman cannot be guilty as an abettor.

We set aside the conviction of Balambal on a charge of abetting the enticing away of herself, and direct that her bail bond be discharged.

APPELLATE CRIMINAL.

Before Mr. Justice Davies and Mr. Justice Benson.

SINGARAJU NAGABHUSHANAM (ACCUSED), PETITIONER.*

1902.
October 7.

Penal Code—Act XLV of 1860, s. 500—Defamation—True statement that complainant had been convicted of theft and sent to jail—Conviction—Validity.

An accused, who was the trustee of a temple, was convicted of defamation, the alleged defamatory statement being that the complainant, who performed the worship in a temple, had been convicted and sent to jail for the theft of idols belonging to the temple. At the time when the statement was made, an appointment was in question in connection with the temple:

Held, on revision, that the accused was justified in making the statement, either in the interest of the temple, or because the statement was no more than a publication of the result of proceedings in a Court of Justice.

CHARGE of defamation under section 500 of the Indian Penal Code. The complainant was the priest performing the worship in the temples of Agasthyswara Swamy and Ramalingeswara Swamy in Pedana. The alleged defamatory matter was written on a post-card, which was sent to and received by complainant in the ordinary course of post. The Magistrate found that the signature on the card was that of the accused. The writing stated that some years previously the complainant had been sent to jail in connection with a case of theft of idols in the temple of Ramalingeswara Swamy. Complainant admitted that this was true. The Magistrate held, however, that this was immaterial. He convicted the accused, imposing a fine of Rs. 25 with an alternative of one month's rigorous imprisonment.

* Criminal Revision Petition No. 298 of 1902 presented under sections 435 and 439 of the Code of Criminal Procedure, praying the High Court to revise the conviction and sentence passed on the petitioner (accused) by K. V. Srinivasan, Head-Quarters Deputy Magistrate of Kistna, in Criminal Case No. 7 of 1902.