

*Great Indian Peninsula Ry. Co. v. Ganpat Rai* (1). and a Bench of this Court has held that a condition like that does not absolve the person who claims to make the Railway Company liable from the necessity of giving the notice contemplated by section 77 of the Indian Railways Act. This ground of attack also fails. I, therefore, dismiss this application for revision and confirm the decree of the trial court with costs.

1922

RAM SAHAI,  
CHHIDDA  
LAL  
v  
THE EAST  
INDIAN  
RAILWAY  
COMPANY.

*Application dismissed.*

## REVISIONAL CRIMINAL.

*Before Mr. Justice Stuart.*

EMPEROR *v.* INCHA RAM.\*

1922

April, 21.

Act No. XLV of 1860 (*Indian Penal Code*), section 182—*False information given to the police with the object of having a charge brought against a certain person.*

Where a person falsely gave information to the police that a horse belonging to him had strayed, when in fact he had sold it some time previously, and did this with the intention that a charge should be brought against the purchaser :

*Held* that the giver of such information was rightly convicted under section 182 of the Indian Penal Code.

THIS was a reference made by the Sessions Judge of Moradabad under section 435 of the Code of Criminal Procedure. The facts of the case sufficiently appear from the judgment of the Court.

*Referring Order* :—“ The applicant in this case, Incha Ram, has been convicted in a summary trial under section 182 of the Indian Penal Code and has been sentenced to one month’s rigorous imprisonment. The facts as found by the Magistrate are as follows :—On the 31st of December, 1921 the applicant reported at the thana that his horse had strayed from the jungle on the previous day. An inquiry was made by the police and the chaukidar of the village reported that some months before Incha Ram had sold the animal to one Chadammi Lal, who is said to be his cousin, and that Chadammi Lal on the 26th of December, 1921 had sold it at Rith cattle market to a third person. After the institution of proceedings under section 182 of the Indian Penal Code ~~Incha Ram~~ brought a case against Chadammi Lal under sections 379/411 of the Indian Penal Code. In that case the

\* Criminal Reference No. 184 of 1922.

(1) (1911) I. L. R., 38 All., 544.

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Magistrate took evidence under section 202, Criminal Procedure Code, and finally dismissed the complaint under section 203, Criminal Procedure Code.

It has been urged in revision that the act for which the applicant has been convicted went no further than the preparation for the commission of an offence, and that the report, not being of a cognizable offence and not in itself calling for any action by the Police, fell short of the conditions justifying a conviction under section 182 of the Indian Penal Code. I have been referred to the ruling of the High Court in the case of *Algoo Lal v. Emperor* (1). The principle there laid down seems to me to apply to the present case. The fact that here the alleged false report was followed by a complaint of theft does not affect the principle. I hold that the conviction was bad on a point of law. I therefore forward the record to the Hon'ble High Court with the recommendation that the conviction of Incha Ram under section 182 should be set aside."

The parties were not represented in the High Court.

STUART, J.:—Incha Ram made a report at the police station that his horse had strayed. This report was false to his knowledge. His horse had not strayed. He had previously sold the horse to his cousin and he clearly made this false report in order to enable him to make a false charge against the man who had bought the horse from his cousin. He made that charge subsequently. In making this report he clearly gave false information to the Police which he knew to be false and he must have known that it was likely that he would thereby cause the police authorities, if they found the horse answering to his description, to take it from the possession of its rightful owner. On these facts an offence under section 182 was clearly made out. I accordingly refuse to interfere and return the record.