

Before Mr. Justice Kendall.

EMPEROR v. KISHAN LAL.*

1926
November,
29.

Act No. XXV of 1867 (*Press and Registration of Books Act*), section 9, clause (a)—“*Delivered out of the press*”—
Term not merely synonymous with “*printed*.”

Held, on a construction of section 9(a) of the Press and Registration of Books Act, 1867, that the words “*delivered out of the press*” are not merely synonymous with “*printed*,” but include at least the further processes of folding and binding necessary to make a book out of the printed matter, if not the actual carrying of the book outside the Press.

THE facts of this case, so far as they are necessary for the purposes of this report, appear from the judgment of the Court.

Babu *Satish Chandra Das*, for the applicant.

The Assistant Government Advocate (*Dr. M. Waliullah*), for the Crown.

KENDALL, J. :—This is a trivial matter in itself, but it deals with a decision which may be of importance. The applicant has been convicted by a Magistrate of an offence under section 16 of the Press and Registration of Books Act of 1867, and fined Rs. 5 in the following circumstances :—

The applicant is a proprietor of a press and a book-seller, and he had been printing copies of the *Bhagwat Gita* in his press. Under clause (a) of section 9 of the Act, he had to deliver copies of the book within one calendar month after the day on which the book had first been *delivered out of the press*, at a place notified by the Government, which in this case was the District Magistrate’s office. Copies of the book were ready printed on the 8th, 11th and 15th December, 1925, but they remained in the press for binding, etc., and were not sent out of the press until

* Criminal Revision No. 545 of 1926, from an order of Nand Sarup, Magistrate, first class, of Muttra, dated the 1st of April, 1926.

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January. They were received at the District Magistrate's office on the 2nd of February. The trying Magistrate has held that the book must be deemed to have been published as soon as it was issued from the press, by which he apparently means as soon as the process of printing had been completed. I do not agree with this pronouncement on the definition of what constitutes publication. The word "publication" is, however, not used in clause (a), section 9 of the Act. The words used are "delivered out of the press," and it seems to me that this cannot be held to be equivalent to "printed." The work of printing might be completed before any copy were actually delivered out of the press. When a sheet has been printed, it does not constitute a book; it needs to be folded, corrected and bound before it can take the form of a book, and this process had not been completed on the dates shown in the Magistrate's judgement, viz., 8th, 11th and 15th of December. The book does not appear to have been delivered out of the press until January, and there was, therefore, no offence under clause (a), section 16 of Act XXV of 1867. In these circumstances, I accept the application, and order that the conviction and sentence of fine be set aside. The fine, if paid, will be refunded.

Application allowed.

Before Mr. Justice Kendall.

KING-EMPEROR v. CHHAJJU AND ANOTHER.*

Criminal Procedure Code, section 256—Failure to comply with the provisions of—Irregularity in procedure.

The provisions in section 256, Code of Criminal Procedure, are not provisions relating to the mode of trial, and failure to follow those provisions strictly amounts to no more than an irregularity in procedure, and would not be a ground for setting

* Criminal Revision No. 589 of 1926, from an order of H. Beatty, Sessions Judge of Moradabad, dated the 13th of July, 1926.

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