

to conceal the body, in the present case the body was only discovered on information given by one of the accused.

The case is certainly one in which the circumstances suggest very strongly that two of the accused may have been either the actual murderers or may have instigated others to murder the deceased, but we cannot convict them on suspicion alone, and in our opinion the evidence which supports the very strong evidence of motive is too weak and too inconclusive to warrant any other finding than that at which the lower court arrived. We accordingly dismiss this appeal.

Appeal dismissed.

MISCELLANEOUS CRIMINAL

Before Mr. Justice Ziaul Hasan and Mr. Justice R. L. Yorke

RAM SHANKAR (APPLICANT) *v.* V. N. SHUKLA
(OPPOSITE PARTY)*

1939
April, 17

Contempt of Court—Letter written to Magistrate before starting of proceedings under section 107, Criminal Procedure Code, against the accused—No intention of accused to influence Magistrate by his letter—Letter, whether amounts to contempt of Court.

Every private communication to a Judge for the purpose of influencing his decision upon a pending matter is contempt of Court as tending to interfere with the course of justice.

A letter addressed to a Magistrate headed as "Informatory application for the arrangement of the *Utsav of Janam Ashtmi*" and praying merely that necessary arrangements be made and proper steps be taken, sent a few days before proceedings under section 107, Criminal Procedure Code, were started against the accused on the report of the police, does not amount to a contempt of Court.

Mr. S. C. Dass, for applicant.

*Criminal Miscellaneous Application No. 109 of 1938, for orders of the Hon'ble Court as it deems fit in a case pending in the Court of the Sub-Divisional Magistrate, Hardoi.

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SHUKLA

Messrs. *R. F. Bahadurji* and *Radha Krishna*, for opposite party.

ZIAUL HASAN and *YORKE, JJ.*:—This is an application by one Ram Shankar Brahman praying that the opposite party, V. N. Shukla, who, he says, has been guilty of contempt of Court be suitably dealt with.

*Ziaul
Hasan
and
Yorke,
JJ.*

The facts are that in 1938 the opposite party's father, Pandit Bhoop Narain Shukla, who is a resident of village Bawan in the Hardoi District, wanted to take out a religious procession on the occasion of the *Janam Ashtmi* festival and on the 20th July, 1938, he put in an application before the Sub-Divisional Magistrate alleging that he had been taking out the *Janam Ashtmi* procession for many years but that in the previous year Ram Shankar (the present applicant), Ram Saran and others who were people of bad character and inimical to him obstructed him in taking it out and showed readiness to commit a breach of the peace. He prayed in his application that "necessary arrangements be made and suitable proceedings be taken". The Sub-Divisional Magistrate on receiving this application called for a report from the Kotwali police and on the 4th August, 1938, the station officer submitted his report. He took an undertaking in writing from the present applicant and certain others, Ram Saran, Gajraj Prasad and Sadanand, that they would not obstruct any procession that Pandit Bhoop Narain should take out. In forwarding this undertaking along with his report the sub-inspector suggested that if the undertaking be not considered sufficient, the signatories to it be bound over under section 107, Criminal Procedure Code. This report reached the Sub-Divisional Magistrate's office on the 8th August and on the 12th August the learned Magistrate ordered the issue of notices under section 107--112, Criminal Procedure Code. Finally the proceedings were dropped on the 22nd August as the celebrations had by that time passed off peacefully. In the meantime on the 9th August, 1938, the opposite party sent a letter

to the Sub-Divisional Magistrate, Hardoi, in the following terms:

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"MY DEAR RESPECTED DEPUTY SAHIB,

"I am sorry I could not see you again yesterday as your honour was very busy at 4 p.m. and my train was due to arrive at 4.15. I do not want to present my anxieties and troubles again before your honour. Those were well mentioned in my respected S. D. O., Malihabad's letter.

Ziaul
Hasan
and
York,
J.J.

"I however submit the programme of our *Krishna Janma Ashtmi* festival and hope your honour will kindly take necessary steps for saving our religion and culture well.

"Sir, my father Pandit Bhoop Narain Shukla of Bawan is an old man of about 70. He is a true devotee of Lord Krishna and has a good faith in him. He was much shocked last year when certain troubles regarding *dadhi* procession were created and when as a result that was stopped. Being in service here I cannot help him. He is a peace-loving gentleman and this is why that he last year preferred it well to stop his procession and seek police help than to join in a hand-to-hand fight. Hundreds of devotees go there from the nearby villages and if any trouble will arise from the side of the *goondas* who have some malice against us, it would be very difficult to pacify them and have an immediate control over them."

"Now I hope your honour will do the needful and oblige.

Yours obediently,

V. N. SHUKLA,

Assistant Station Master,
Rahimabad, District Lucknow.

It is on the basis of this letter that the present application has been brought and it is said that the letter constitutes interference with the administration of justice and amounts to contempt of Court.

The reply of the opposite party is that he never intended by the letter in question to interfere with the course of justice and that all that he meant was that the Magistrate should take steps in his executive capacity to ensure a peaceful celebration of the ceremonies organised by his father.

After hearing the counsel for parties we have come to the conclusion that it is very doubtful that the