

1930.

Solicitors for appellants : *H. S. L. Polak.*

DOTTIE
KARAN
v.
LACHMI
PRASAD
SINHA.

Solicitors for respondent no. 1 : *Douglas, Grant
and Dold.*

REVISIONAL CRIMINAL.

SIR
LANCELOT
SANDERSON.

Before Terrell, C. J. and Adami, J.

RAMESHWAR PRASHAD VERMA

1931.

v.

Jan., 5.

KING-EMPEROR.*

Press and Registration of Books Act, 1867 (Act XXV of 1867), sections 1, 3, 4 and 13—Cyclostyle machine, whether is a printing press within the meaning of the Act—“for the printing of books or papers”, meaning of—object of possessor—“papers”, meaning of—whether synonymous with “newspaper”—sections 3 and 4—possession of cyclostyle machine intended for printing newspapers without subscribing prescribed declaration, whether is punishable under section 13.

The operation of multiplying copies by means of a cyclostyle machine is a printing operation within the meaning of the Press and Registration of Books Act, 1867.

Section 3 of the Press and Registration of Books Act, 1867, lays down :

“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) the name of the publisher and the place of publication.....;”

and section 4 of the Act provides :

“No person shall, within British India, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate within whose local jurisdiction such press may be.....”

* Criminal Revision no. 630 of 1930, against a decision of F. G. Rowland, Esq., I.C.S., Sessions Judge of Patna, dated the 22nd September, 1930, confirming a decision of Babu R. Singh, Deputy Magistrate, 1st class, of Patna, dated the 15th July, 1930.

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Held, (i) that the words "for the printing of books or papers" in section 4 are an adverbial phrase modifying the verb "keep" and are not an adjectival phrase qualifying the noun "press", and that, therefore, they refer to the object of the possessor of the machine;

(ii) that the word "papers" in sections 3 and 4 of the Act clearly means papers containing news which are intended to be circulated and is practically, if not exactly, synonymous with the word "newspaper" as defined in section 1 of the Act.

Held, therefore, that keeping in possession a cyclostyle machine which is intended for the printing of newspapers without subscribing the prescribed declaration is an offence punishable under section 13 of the Act.

The facts of the case material to this report are stated in the judgment of Terrell, C.J.

B. Sahay and *C. P. Sinha*, for the petitioner.

Assistant Government Advocate, for the Crown.

COURTNEY TERRELL, C. J.—This is a petition by one Rameshwar Prasad Varma who is the Secretary of the Patna District Congress Committee for the revision of the judgment of the Sessions Judge of Patna dismissing his appeal from the decision of a magistrate of the first class convicting the petitioner under sections 12, 13 and 15 of the Press and Registration of Books Act of 1867. The established facts are that the petitioner had in his possession a cyclostyle machine which he used for the purpose of multiplying copies of a periodical newspaper entitled "Satyagrah Samachar". He was charged under section 12 of the Act with printing or publishing a paper otherwise than in conformity with the rule in section 3 which makes it necessary to give in the publication, legibly printed, the name of the printer and the place of the printing; under section 13 with keeping in his possession a press as defined in section 4, that is to say, keeping in his possession a press for the printing of books or papers without having

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subscribed the prescribed declaration; and under section 15 with publishing a newspaper knowing that the rules had not been observed; and he was sentenced to three months' simple imprisonment.

It is argued on his behalf, first, that the operation of multiplying copies by means of a cyclostyle machine is not a printing operation and so is not covered by the Act. No definition of the word "printing" is contained in the Act but using, as we are invited to do, the common acceptance of the word it may be said certainly to include the multiplication of copies by pressure from an inked surface. A cyclostyle consists of a paper stencil under which the copy to receive the impression is placed and over which is passed with pressure an ink roller. The ink passes through the stencil at its open parts and the ink comes in contact with the paper under the stencil. This is certainly an operation of multiplying copies by means of pressure from an inked surface and, in my opinion, it is certainly printing.

But the following ingenious argument is raised on behalf of the petitioner. It is said that the mere possession of a cyclostyle machine cannot be held to be possession of a press for the printing of books or papers within section 4 of the Act. Now in interpreting section 4 of the Act the proper construction is, in my opinion, as follows: The words "for the printing of books or papers" are an adverbial phrase modifying the verb "keep" in the sentence "keep in his possession". They are not an adjectival phrase modifying the noun "press". They refer to the object of the possessor of the machine. It may well be that the object of the possessor of a cyclostyle machine is not for the purpose of multiplying copies for periodical publication. Now the preamble of the Act is in its material parts as follows:

"Whereas it is expedient to provide for the regulation of printing presses and of periodicals containing news....."

It is clear that this part of the Act to which this preamble relates is concerned only with the regulation of papers containing news which are intended to be circulated and in my opinion the word "papers" in sections 3 and 4 of the Act are clearly papers of this description and are practically, if not exactly, synonymous with the word "newspaper" as defined in section 1 of the Act itself. Therefore, the mere possession of a cyclostyle machine which is not intended for the printing of books or for the printing of papers in the sense in which I think that word is used in the Act is not an offence which is punishable under section 13.

It was argued that if the cyclostyle machine is not a printing press within section 4 then the papers produced by its agency cannot be said to be printed. As I have said, the question as to whether the printing press is or is not within section 4 is a question of the use to which the printing press is in fact put or intended to be put by the possessor.

The petitioner in this case has, in my opinion, rightly been convicted of printing a paper otherwise than in conformity with the rule contained in section 3; he has rightly been convicted under section 13 for keeping in his possession a press for the printing of books and papers as I have defined it; and he has rightly been convicted of printing a newspaper without conforming to the rules as provided by section 15 of the Act. We have been asked to consider the revision of the sentence but, in the absence of an entirely satisfactory undertaking by the petitioner as to his future conduct, this matter cannot be taken into consideration. The sentence is not excessive in the circumstances and must stand. I would dismiss this petition.

ADAMI, J.—I agree.

Application dismissed.

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