

REVISIONAL CRIMINAL.

Before Mr. Justice Broadway and Mr. Justice Fforde.

MEHR SINGH, Petitioner

versus

THE CROWN, Respondent.

Criminal Revision No 757 of 1925.

1926

March 23.

Criminal Law Amendment Act, XIV of 1908, section 17 (2)—Assisting in arrangements for the reception of the audience at meetings of an unlawful association.

Where it was proved that accused assisted in the arrangements for the reception of the audience at meetings of an unlawful association, and assisted in keeping order in a procession which took place in connection with these meetings, and took charge of sums of money raised on this occasion:

Held, that these facts established an offence under section 17 (2) of the Criminal Law Amendment Act, against the accused.

A person who takes an active part in organizing or assisting to organize a meeting must be regarded as promoting or assisting to promote it.

Application for revision of the order of M. M. L. Currie, Esquire, Sessions Judge, Jhelum, dated the 31st March 1925, modifying that of Malik Allah Bakhsh, Magistrate, 1st class, Pind Dadan Khan, District Jhelum, dated the 14th February 1925, convicting the petitioner.

MAN SINGH, for Petitioner.

RAM LAL, Assistant Legal Remembrancer, for Respondent.

JUDGMENT.

FFORDE J.—The finding of the appellate Court in this case is that the petitioner assisted in the arrangements for the reception of the audience at meetings of an unlawful association which took place

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on the 9th and 10th July. He also assisted in keeping order in a procession which took place on the 9th in connection with these meetings, and is proved to have taken charge of sums of money which were raised on this occasion. Upon these facts the lower Courts have held that the offence has been established under the provisions of section 17 (2) of the Criminal Law Amendment Act which provides, *inter alia*, that a person who promotes or assists in promoting a meeting of an unlawful association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both. In my opinion, the conclusion of the Court below on this point is sound. A person who takes an active part in organizing or assisting to organize a meeting must clearly be regarded as promoting or assisting to promote it. In the ordinary dictionary sense to promote an undertaking is to forward, further or encourage it, and a person who takes a part in the actual management of a meeting is obviously furthering or encouraging such meeting.

The petitioner was sentenced by the trial Court to two years' rigorous imprisonment and a fine of Rs. 100 or, in default of payment of fine, to undergo a further two months' rigorous imprisonment. He appears to have been given a further concurrent sentence by the trial Court under the provisions of section 17 (1) of the Act, but from the judgment before me it is not clear what that sentence was. The appellate Court has reduced the imprisonment imposed under section 17 (2) to 18 months.

The petitioner has already undergone a little over 10 months' rigorous imprisonment. The learned

Sessions Judge in the course of his judgment stated that "this man seems not to have played so prominent a part as the other accused". Under these circumstances I do not think that it would be in the interests of justice to inflict a greater punishment upon him than has been imposed upon the other petitioners before us, and therefore I do not think that he should be ordered to undergo the unexpired portion of his term of imprisonment. I would accordingly, while maintaining the conviction, reduce his sentence to the period already undergone, and direct that his bail bond be discharged.

BROADWAY J.—I agree.

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Revision accepted in part.

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Before Mr. Justice Broadway and Mr. Justice Fforde.

BASANT SINGH, Petitioner

versus

THE CROWN, Respondent.

Criminal Revision No. 668 of 1925.

Criminal Law Amendment Act, XIV of 1908, section 17 (1), (2)—Accused's plea of guilty to the charge must be confined to the facts set out therein—Difference between offences under the two sub-sections, explained.

Accused petitioner was charged as *Jathedar, Akali Dal, Gujar Khan*, with having addressed two meetings of *Akalis* and with having appealed to the Sikhs of the District to organize themselves into *Jathas* to proceed to *Jaito* in the *Nabha State* and *Bhai Pheru* in *Lahore District* in the name of the *Shromani Gurdwara Parbandhak Committee*, and with having thereby committed an offence under section 17 (2) of the *Criminal Law Amendment Act*. He pleaded guilty to this charge.

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