

REVISIONAL CRIMINAL.

Before Sir Shadi Lal, Chief Justice.

TARA SINGH—Petitioner

versus

THE CROWN—Respondent.

1925

Nov. 20.

Criminal Revision No. 849 of 1925.

Indian Penal Code, 1860, section 216-B—"Harbouring"—False information to Police—Assisting to evade apprehension.

When a person gives false information to the police with respect to a proclaimed offender or warns him of the approach of the police in order that the said offender may make good his escape, that person is guilty of the offence of "harbouring".

The petitioner was found sleeping, at his threshing floor, on the same charpoy with a proclaimed offender and, when questioned by the police, replied that his companion was his guest and nephew. This information was false and was given in order that the offender might not be arrested.

Held, that the facts amounted to "harbouring" within the meaning of section 216-B of the Indian Penal Code.

Emperor v. Husain Bakhsh (1), disapproved.

Muchi Mian v. Emperor (2), and *Akbar Ali v. Emperor* (3), referred to.

Application for revision of the order of A. L. Gordon-Walker, Esquire, Sessions Judge, Lahore, dated the 16th February 1925, affirming that of Mian Abdul Rahim, Magistrate, 1st class, Lahore, dated the 26th January 1925, convicting the petitioner.

I. C. CHOPRA, for Petitioner.

RAM LAL, Assistant Legal Remembrancer, for Respondent.

JUDGMENT.

SIR SHADI LAL C. J.—The petitioner Tara Singh has been convicted under section 216, Indian Penal Code, of having harboured an absconder Dhara

(1) (1903) I.L.R. 25 All. 261.

(2) (1917) 21 Cal. W.N. 1062.

(3) (1923) 72 I.C. 949.

Singh; and has been sentenced to rigorous imprisonment for six months.

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The evidence on the record shows that Tara Singh was found sleeping at his threshing floor on the same charpoy with Dhara Singh, and that, when questioned by the Head Constable as to who his companion was, he replied that he was his guest and nephew. The question is whether these facts amount to 'harbouring' within the meaning of section 216-B.

Now, it has been held by the Allahabad High Court in the case of *Emperor v. Husain Bakhsh* (1), that the words "or assisting a person in any way to evade apprehension" as used in that section must be taken to indicate some method *ejusdem generis* with those that have been specified in the section, and that giving false information to the police does not amount to harbouring within the meaning of the section. This view has, however, been dissented from by the Calcutta High Court and other Courts, *vide, inter alia, Muchi Mian v. Emperor* (2) and *Akbar Ali v. Emperor* (3). I consider that when a person gives false information to the police with respect to a proclaimed offender, or warns him of the approach of the police, in order that the said offender may make good his escape, he is guilty of the offence of harbouring him.

For the aforesaid reasons I hold that the petitioner has been rightly convicted. He has, however, been released on bail, and I accordingly accept the application for revision so far as to reduce the period of imprisonment to that already undergone.

N. F. E.

Revision accepted in part.

(1) (1903) I.L.R. 25 All. 261.

(2) (1917) 21 C.W.N. 1062.

(3) (1923) 72 I.C. 949.