

REVISIONAL CRIMINAL.*Before Mr. Justice Harrison.*

ARJAN DAS—Petitioner

versus

THE CROWN—Respondent.

Criminal Revision No. 1038 of 1926.

Indian Railways Act, IX of 1890, section 108—Accused's account books thrown out of window of Railway carriage by fellow passenger—whether sufficient cause for pulling the alarm signal to stop the train.

The petitioner and his debtor *H. D.* against whom he had instituted a civil suit, were travelling by railway in the same compartment. The petitioner had with him his account books containing the accounts of many debtors including that of *H. D.* While the train was in motion *H. D.* seized the petitioner's *Bahis* and threw them out of the window. The petitioner pulled the alarm-signal and was prosecuted under section 108 of the Railways Act, and sentenced to a fine of Rs. 50.

Held, that the conviction must be quashed as the petitioner had reasonable and sufficient cause for pulling the alarm-signal.

Case reported by Mian Ahsan-ul-Haq, Sessions Judge, Jhelum, with his No. 784 of 23rd June 1926.

Report by Sessions Judge.

The facts of this case are as follows :—

Arjan Das, applicant, instituted a suit against one Harnam Dass in a civil court at Gujrat and after attending the hearing of that case on 8th October 1925 he started homewards. He had with him his account books containing the accounts of hundreds of debtors, including Harnam Dass. Changing into the 10 down Passenger Train at Lala Musa at about 4 P.M., he and Harnam Dass got into the same compartment. Shortly after the train had left Chelianwala Station, the

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attention of Arjan Das being diverted elsewhere, Harnam Dass seized the applicant's *Bahis* and threw them out of the window. The train was at that time passing over the Bridge on the Lower Jhelum Canal, but, fortunately for the applicant, Harnam Dass did not succeed in throwing the *Bahis* into the Canal. The applicant pulled the alarm signal and the train came to a standstill, thus enabling the *Bahis* to be recovered.

Arjan Das was prosecuted under section 108 of the Railway Act and sentenced to a fine of Rs. 50.

The proceedings are forwarded for revision on the following grounds :—

Regard being had to the circumstances of the case I consider that the applicant had reasonable and sufficient cause for pulling the alarm signal, and that the learned Magistrate was wrong in convicting him. I have, therefore, the honour to forward these records to the High Court with the request that his sentence of fine may be set aside.

N. B.—The fine has been paid.

HARRISON J.—For the reasons given by the learned Sessions Judge I quash the conviction of Arjan Das under section 108 of the Railway Act. The fine will be refunded.

A. N. C.

Revision accepted.

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v.
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HARRISON J.