

REVISIONAL CRIMINAL.

Before Coldstream J.

ABDUL KARIM AND OTHERS (CONVICTS)

Petitioners

versus

THE CROWN—Respondent.

Criminal Revision No. 1281 of 1935.

Criminal Procedure Code, Act V of 1898, section 144 (3) : explained.

Held, that sub-section (3) of section 144 of the Code of Criminal Procedure does not refer to the nature of the order which may be passed under the provisions of sub-section (1) but to the manner in which such an order may be promulgated.

Abdul Ghafur v. Emperor (1), relied upon.

Petition for revision of the order of Mr. O. N. Zutshi, Sessions Judge, Lahore, dated 2nd September, 1935, modifying that of Mr. F. H. Teal, Magistrate, 1st Class, Lahore, dated 30th July, 1935, convicting the petitioners.

M. M. ASLAM KHAN, for Petitioners.

MOHAMMAD AMIN, for Government Advocate, for Respondent.

COLDSTREAM J.—This judgment will dispose of COLDSTREAM the three revision petitions Nos. 1281, 1322 and 1367 of 1935.

On the 14th July, 1935, the District Magistrate of Lahore promulgated an order under the provisions of section 144 of the Code of Criminal Procedure directing people to abstain from holding public meetings within the Lahore district in order to discuss any matter in connection with the demolition of the Shahidganj mosque. For disobeying that order the

1935
 ABDUL KARIM
 v.
 THE CROWN.
 OLDSTREAM J.

petitioners were convicted under sections 143 and 188, Indian Penal Code, and sentenced separately under each section. On appeal the Sessions Judge, Lahore, upheld the convictions, but set aside the separate punishment imposed under section 143 and sentenced the petitioners to three months' rigorous imprisonment under section 188. The petitioners, who have by this time served their sentences, ask for revision of this judgment.

The only contention urged before me by the petitioners' counsel is that the order of the District Magistrate passed under section 144 of the Code of Criminal Procedure was illegal, because the Lahore District is not a 'particular place' within the meaning of section 144 (3) of the Code.

There is no ground for interfering on the merits of the case. The Lahore district is in fact a particular place. If some one had inadvertently disobeyed the order owing to his ignorance of the boundaries of the district it would have been open to him to plead that the order was so vague as to excuse his error. No such excuse was pleaded here. The meetings, for holding which the petitioners were convicted, took place in the Lahore City. It is not denied before me that the petitioners had knowledge of the order and disobeyed it deliberately.

The argument now advanced is, in my opinion, based on a mistaken interpretation of sub-section (3) of section 144, the correct meaning of which has been pointed out in *Abdul Ghafur v. Emperor* (1). The District Magistrate has jurisdiction throughout his district and is empowered to direct any person to abstain from a certain act if he considers that such

(1) (1915) 27 I. C. 670.

direction is likely to operate in any of the ways mentioned in sub-section (1) of the section. As remarked by the Judges who decided *Abdul Ghafur v. Emperor* (1), sub-section (3) has nothing to do with the nature of the order, but is one of four sub-sections which refer to the manner of promulgation and to the duration of an order under sub-section (1). When, because of the number of persons to be directed, it is impracticable for the Magistrate to issue notice to each individual he can issue an order to the public generally, including besides residents, persons who may frequent or visit a particular place and such order will be effective against each individual to whose knowledge it has come.

The rulings on which the learned counsel for petitioners relies appear to me to interpolate in the section restrictions and conditions not indicated by its words.

The fact that the order in this case forbade meetings in so large a place as the Lahore district did not make the order 'illegal' although it might have made the order difficult to enforce for one reason or another.

I dismiss the petitions.

P. S.

Petitions dismissed.

(1) (1915) 27 I. C. 670.

1935

ABDUL KARIA

v.

THE CROWN.

COLDSTREAM