

(1922) 01 BOM CK 0021

In the Bombay High Court

Case No : Criminal Reference No. 59 of 1921

Emperor

APPELLANT

Vs

Ramchandra Bapuji Deshmukh

RESPONDENT

Date of Decision : 19-01-1922

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 545
Penal Code, 1860 (IPC) — Section 420

Citation : AIR 1923 Bom 22 : (1922) 24 BOMLR 382 : 66 Ind. Cas. 997

Hon'ble Judges : Norman Macleod, J;Coyajee, J

Bench : Division Bench

Judgement

Norman Macleod, C.J.—The accused was convicted of an offence punishable u/s 420, Indian Penal Code, and sentenced by the Magistrate to four months" rigorous imprisonment and a time of Rs. 100. The accused had dishonestly induced the complainant to part with her ornaments, and these were pledged with a person called Dalichand. The Magistrate directed that out of the fine, if recovered, Rs. 35 should be paid as compensation to Dalichand u/s 545, Criminal Procedure Code. But that section only enables the Magistrate to direct that the whole or any part of the fine, if recovered, should be applied in compensation for the injury caused by the offence committed. The offence committed was cheating, and no injury was caused to Dalichand by the cheating. We think, therefore, that the District Magistrate was right in asking this Court to revise the order passed by the trying Magistrate u/s 545, Criminal Procedure Code, and the order must be set aside, and if any Compensation has been paid to Dalichand, it must be refunded.