
(1928) 07 PAT CK 0001
In the Patna High Court

Jagat Narain Lall

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 19-07-1928

Acts Referred:

Penal Code, 1860 (IPC) — Section 124A

Citation : AIR 1929 Patna 10

Hon'ble Judges : Courtney-Terrell, C.J;Allanson, J

Bench : Full Bench

Judgement

Courtney-Terrell, C.J.—The accused Jagat Narayan Lal has been charged and convicted u/s 124-A, I.P.C. for sedition. The subject of the charge is a silly little article in an insignificant little paper written by a silly noisy little man and were it not for the fact that the paper even of this description has some readers, amongst excitable people one would be inclined to treat the offence with contempt because the logic and tone of the article are such as to make no appeal to any one with any degree of common sense. But the type of mind exemplified by the author of this article is one which, will arise and has arisen in all times under any form of Government whether the most tyrannical or the most benign. It is, in short, a biological product and is not the result of political conditions.

2. It may appear under the most ideal administration in any country, but nevertheless it is a nuisance which involves the community in expense and trouble and its activities have to be checked. The meaning of the article is clear and obvious. It is an attack upon the Government and also upon the personnel which constitute the Government, because Government cannot be carried through any agency other than human beings and it attributes to the Government and to the personnel of the Government a deliberate policy of fomenting the communal strifes which are so marked a feature of this country at the present moment. It is unnecessary to go into details of the article with a view to justify that opinion. The conclusion of the learned Magistrate is clearly right.

3. This case cannot for one moment be argued on the lofty level of a consideration of the right of comment by a journalist (if this man can be considered as a journalist) upon matters of public importance. Of course it is obvious that every one has a right to comment upon the action of any particular individual or set of individuals. The only point is as to the way in which the comment must be put forward, and as Mr. Sinha himself points out, the article must be read as a whole to see if it is likely to bring the Government into hatred or contempt or is liable to excite disaffection. Now persons of the class of mind who read this, paper and pay any attention to it will undoubtedly be led to believe by this; article that such a policy on the part of the Government actually exists and any body coming to the conclusion that such a policy does exist would naturally both hate the Government and hold it in contempt and be disaffected towards it, and I have no doubt myself from the tone of the article that that was the intention of this foolish writer. Well, as I have said, the matter is quite trifling but it is a nuisance and must be put a stop to. The sentence of twelve month's simple imprisonment is not in the least severe and will give him time to make up his mind, perhaps to improve such journalistic talents as he possesses and apply them to some useful form of literature. Also the fine of Rs. 1,000 which, I should imagine, will for a considerable time deprive this paper of its profits, is a proper one. The appeal is dismissed.

Allanson, J.

I agree.