
(1896) 09 AHC CK 0001
In the Allahabad High Court

Mutasaddi and Others

APPELLANT

Vs

Mani Ram

RESPONDENT

Date of Decision : 02-09-1896

Acts Referred:

Citation : (1897) ILR (All) 112

Hon'ble Judges : Aikman, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Aikman, J.—The applicants were convicted by the Joint Magistrate of Dehra Dun of an offence punishable u/s 411 of the Indian Penal Code. Four of them were sentenced to be fined Rs. 40 and the remaining two to fines of Rs. 20 each, or, in default, to undergo one months rigorous imprisonment. By his order the Joint Magistrate directed that, out of the total sum of Rs. 200 imposed as fine, Rs. 100 should, under the provisions of Section 545 of the Code of Criminal Procedure, be paid to Mani Ram, the complainant in the case, as compensation. The fines were paid, and, the case not being an appealable one, Rs. 100 were at once paid to the complainant. The six accused persons applied to this Court for revision of the Joint Magistrates order. A Bench of this Court, consisting of the learned Chief Justice and my brother Banerji, set aside the convictions and sentences imposed upon the applicants, and further directed that the fines, if paid, be refunded. When the applicants applied to the Magistrate for the refund of the fines in compliance with the order of this Court the sum of Rs. 100 was repaid to them. As regards the balance of Rs. 100 they were directed to sue the complainant Mani Ram in the Civil Court.

2. The applicants come here asking for the revision of this order. In my opinion the order of this Court directing that the fines which the applicants paid should be repaid to them implies an order that the fines, in whosoever hands they might be, should be payable to them. In my opinion the provisions of Section 547 of the Code of Criminal Procedure are wide enough to cover a case like the

present. I see no reason why the applicants should be driven to have recourse to a civil suit against the complainant Mani Ram in order that the direction of this Court as to the repayment of the fines should be given effect to. It is doubtful even whether in a Civil Court they would have any remedy against Mani Ram, as it was from the Magistrate, and not from the applicants, that Mani Ram received the money. I set aside the Magistrates order and direct him to call upon Mani Ram to refund the applicants money which was paid to him. If he refuses, the Magistrate will take action in the manner directed in Section 547 of the Code of Criminal Procedure, and, when the money had been recovered, if it is recovered, will repay it to the applicants.