

1867.
July 24.

REG. V. A'UBA bin BHIVR'AV.

Ind. Pen. Code, Sec. 228—Prevarication—Crim. Proc. Code, Sec. 163.

Held that prevarication while giving evidence does not constitute the offence, under Sec. 228 of the Ind. Pen. Code, of intentionally causing interruption to a public servant sitting in a judicial proceeding.

THE prisoner was convicted of the offence of intentionally causing interruption to W. A. East, Magistrate F. P. in the Puná District, by prevaricating whilst giving evidence; and sentenced to pay a fine of Rs. 3, under Sec. 228 of the Penal Code and Sec. 163 of the Criminal Procedure Code.

The record and proceedings were referred for the orders of the High Court, by R. W. Hunter, Acting Session Judge of Puná, under Sec. 434 of the Criminal Procedure Code, with a remark to the effect that prevarication did not amount to causing interruption.

PER CURIAM (COUCH, C.J., and NEWTON, J.) :—The Court reverses the conviction and sentence passed upon the prisoner; as the fact found by the Magistrate, that the witness prevaricated while giving evidence, does not constitute the offence of causing interruption to a public servant sitting in a judicial proceeding.

Conviction and sentence reversed.