

REG. V. PA'NDU Bin VITHOJI.

1867.
July 24.

Ind. Pen. Code, Sec. 228—Refusing to answer questions—Crim. Proc. Code, Sec. 163.

Held that refusing or neglecting to return direct answers to questions does not constitute the offence, under Sec. 228 of Ind. Pen. Code, of intentionally offering insult or 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 refusing to return direct answers to the questions of the Court, although frequently warned not to do so; and was sentenced to pay a fine of Rs. 5, under Sec. 228 of the Indian Penal Code and Sec. 163 of the Code of Criminal Procedure.

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.

PER CURIAM (COUCH, C.J., and NEWTON, J.) :—The Court reverses the conviction and sentence; as the finding of the Magistrate F. P., that the witness refused or neglected to return direct answers to questions, is not a finding that the witness committed the offence, under Sec. 228 of the Indian Penal Code, of intentionally offering insult or causing interruption to a public servant sitting in a judicial proceeding.

Conviction and sentence reversed.