

NARAYENSWAMI *v.* DEOGU.

P. C., Jaffna, 16,127.

1896.

*February 18
and 20.*

Meddling with suitor or witness—Scope and meaning of s. 5 of Ordinance No. 11 of 1894.

Under section 5 of Ordinance No. 11 of 1894 “any person who without any lawful excuse attempts by words, signs, or otherwise to meddle with any suitor or other person having business in any Court” is guilty of an offence—

Semble, per LAWRIE, J., that an attempt to meddle with a suitor or other person having business in any Court, in order to constitute an offence under this section, must be made “in a Court;” and the section is intended to punish those who by words or signs in Court attempt to prompt or to check the utterances of a man in the witness box.

Observations by LAWRIE, J., on the scope and meaning of section 5 of Ordinance No. 11 of 1894.

THE facts of the case sufficiently appear in the judgment.

Dornhorst, for appellant.

Cur. adv. vult.

20th February, 1896. LAWRIE, J.—

The preamble to the Ordinance No. 11 of 1894 states that it was passed to check “the mischief caused by touts and vagrant “meddling with parties who seek redress in courts of justice,” and the 5th section enacts that “any person who without lawful “excuse accosts or attempts by words, signs, or otherwise to meddle “with any suitor or other person having business in any court, “shall be guilty of an offence, and be liable on conviction to be

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"punished with a fine not exceeding Rs. 100." This section seems to me to be full of difficulties. What is the meaning of "accost"? Does it imply that the person accosted, and the person accosting, were up to that moment strangers to each other? Perhaps it does. I may accost a stranger. I speak to an acquaintance. Then, within what time of the institution of a suit is a suitor placed, as it were, in "quarantine?" How many hours before the action is brought is it an offence to accost him? Does the prohibition last during all the years of a protracted litigation? It is to be noticed that this Ordinance does not limit the offence of accosting to a talk relating to the matter of the action. The mere fact of being a suitor seems to invest the man with a certain sanctity. Then, again, is it unlawful to accost a suitor at any place in the Colony? or is it unlawful only in or near the Court? May a villager in the country about to seek redress at Hulftsdorp be spoken to by his friends in the village? May they then confuse him with unprofessional advice? or does the unlawfulness begin when the journey courtwards has commenced? or is the offence committed only when the intruding suitor reaches the precincts of the Court? What is a "lawful excuse" for accosting? Will relationship, will old acquaintance, serve as an excuse? Is it a lawful excuse that the accoster is anxious to serve his friend or employer, Mr. A, the proctor, and to get him a fee, or that he thinks but meanly of Mr. B, and fears that the suitor will loose his cause if he employs him? I cannot answer these questions. In this case, the accused is charged with having, without lawful excuse, meddled with Aram Lazarus, who was a suitor in case No. 16,023, Police Court, Jaffna. This is very vague. It does not even say that the meddling had anything to do with the cause, or that the cause was then pending. From the context of section 5 it looks as if the attempt by words or signs, &c., to meddle must be made "in a Court;" that the section may be intended to punish those who by words or signs in Court attempt to prompt or to check the utterances of a man in the witness box. In the present case Lazarus, who is said to have been meddled with, made no complaint. He did not object to the interference. He says he has known the accused all his life; that he is his godfather, a person privileged to give advice. At the most, all that this officious godfather did was to recommend Lazarus to engage the services of one proctor rather than those of another proctor. Hence this prosecution. The proctor who was not employed is the virtual complainant. I cannot hold it proved that the accused committed any offence. I acquit him.