

1951

Present : **Nagalingam J.**

GUNARATNAM, Appellant, and MEERALEVVAI, Respondent

*S. C. 498—M. C. Batticaloa, 11,179**Insult—Mere verbal abuse—No offence—Penal Code, s. 484.*

Mere verbal abuse is not by itself punishable as insult under section 484 of the Penal Code.

A PPEAL from a judgment of the Magistrate's Court, Batticaloa.

M. D. H. Jayawardene, for the accused appellant.

C. T. Olegasegareni, for the complainant respondent.

Cur. adv. vult.

October 16, 1951. NAGALINGAM J.—

The appellant in this case was charged on no less than four counts but at the conclusion of the trial the learned Magistrate acquitted him on all but count No. 2, under which the appellant was charged with having intentionally insulted the Secretary of the Town Council by addressing certain words to the Secretary both in English and in Tamil.

The Secretary himself in giving evidence refers to the incident with great particularity. According to the Secretary, when he noticed the accused sitting in the Chairman's room on the chair intended for the Chairman himself, he questioned the clerk in the office to ascertain whether he had given permission to the accused to sit in the Chairman's chair and having received information that no permission had been granted he walked up to the accused and told him that that was not the way to behave in a public office. The Secretary says that thereupon the accused told him, "You bloody bastard are trying to teach me office manners, you b . . . f . . . idiot." That is all the evidence that is relevant and pertinent to the charge of insult.

The learned Magistrate expressly refers to the view he formed of the incident, which he summarises correctly by saying, "Then the words of abuse were showered on the Secretary". I am in entire agreement with the Magistrate that the words complained of are mere words of abuse and nothing more. In these circumstances the charge of insult cannot be sustained, as has been repeatedly held by this Court: *Bala-suriya v. Dharmasiri* ¹, *Perera v. Fernando* ², *Mataregawara v. Yarataniipi Unnanse* ³, *Fernando v. Van Rooyen* ⁴, *Cader Batcha v. Dunn* ⁵.

I therefore set aside the conviction and acquit the accused.

. . . *Appeal allowed.*
