

1946

Present : de Silva J.

JOHN, Appellant, and POLICE, Respondent.

469—*M. C. Colombo, 13,295.*

Sentence—False allegations made by accused against the Police—Not a ground for enhancing sentence.

When imposing sentence on an accused the Court should not be influenced by the circumstance that the accused made some false allegations against the Police.

A PPEAL against a conviction from the Magistrate's Court, Colombo.

M. M. K. Subramaniam, for the accused, appellant.

J. G. T. Weeraratne, C.C., for the Attorney-General.

June 26, 1946. DE SILVA J.—

In this case, the accused has been convicted of having had in his possession 1½ lbs. of made tea valued at Rs. 2 suspected to have been stolen from the Lake Side Warehouse, Colombo, and sentenced to rigorous imprisonment for a term of three months.

The conviction is supported by the evidence, and there is no reason to interfere with it, but the Magistrate appears to have been influenced, in imposing a sentence of three months' rigorous imprisonment, by the circumstance that the accused made some utterly false allegations against the Police. This, in my opinion, is not a circumstance which should be taken into consideration in punishing the accused for the offence committed by him. If he has committed any other offence by making false allegations, he should be charged and punished for that separately. The accused has no previous convictions and, in view of the trifling value of the goods stolen, I would set aside the sentence of imprisonment and sentence him to pay a fine of Rs. 100 or in default three months' rigorous imprisonment.

Sentence altered.