

1952

Present : Pulle J.

PIYADASA, Appellant, and HERATH (Inspector of Police),
Respondent

S. C. 639—M.C. Matale, 19,291

*Offering gift in consideration of screening offender—A necessary ingredient of offence—
Penal Code, s. 211.*

In a prosecution under section 211 of the Penal Code for offering an illegal gratification for screening an offender it must be proved that the person who is sought by the gratification to be screened had committed the alleged offence.

APPEAL from a judgment of the Magistrate's Court, Matale.

Colvin R. de Silva, for the accused appellant.

R. S. Wanasundera, Crown Counsel, for the Attorney-General.

Cur adv. vult.

November 12, 1952. PULLE J.—

The prosecution in this case was laid under section 211 of the Penal Code, the charge being that the appellant offered an illegal gratification to a medical officer in consideration of his screening the appellant from legal punishment for the offence of causing grievous hurt to one Peiris Appuhamy. Of the arguments urged against the conviction at least one is entitled to succeed. In the case of *The Queen v. Ramalingam*¹ it was held that in a prosecution under section 211 of the Penal Code it must be proved that the person who is sought by the gratification to be screened had committed the alleged offence. There is no proof of the commission by the appellant of the offence of grievous hurt. The only evidence in the case which is to the effect that the appellant had been acquitted on the charge of causing grievous hurt points to the contrary direction.

I set aside the conviction and sentence and acquit the appellant.

Appeal allowed.

¹ (1886) 2 N. L. R. 43.