

MANU/BH/0098/1930

Equivalent Citation: AIR1930Pat495, 126Ind. Cas.909

**IN THE HIGH COURT OF PATNA  
FULL BENCH**

Decided On: 02.07.1930

Appellants:**In Re: The Dist. Judge**  
**Vs.**  
Respondent:**D, a Mukhtar**

**Hon'ble Judges/Coram:**

*Courtney Terrell, C.J., Saiyid Fazl Ali and A.E. Scroope, JJ.*

**JUDGMENT**

**Courtney Terrell, C.J.**

**1.** This is a reference by the learned District Judge of Gaya relating to the conduct of a mukhtar D practising at Gaya, and it is one of those cases in which the mukhtar has been guilty of making a false identification. It is not suggested that the mukhtar was consciously guilty of dishonest conduct. It appears that an individual desired to obtain copies of certain proceedings in the Court. It was open to any member of the public to obtain the copies which he desired to obtain, but this individual appears to have thought that identification was necessary before he could obtain the copies and he also had some reason for concealing his true identity.

**2.** He therefore had himself taken by a friend to the mukhtar and the friend announced him as the person in whose name he intended to be identified. The mukhtar, who knew the man by sight but did not know his name, nor anything about his identity, rashly accepted the statement of the friend and signed the identification paper.

**30.** Now some time ago this Court, in delivering judgment in a somewhat similar case but where the consequences were very much more serious, gave the most specific warning that a great responsibility rested on the shoulders of a mukhtar in making an identification and we stated in explicit terms that if any cases came before us in which the warning was disregarded in the future we should deal with such cases with severity.

**4.** In this case the mukhtar himself is an aged man and no complaint has hitherto been made against him. Nevertheless, in view of the warning that has been issued, we consider that this case cannot be passed over by way of a further warning. We shall impose a very lenient penalty. Had the consequences of the false identification been more serious the penalty would have been very much heavier, and we take advantage of this case to repeat in no uncertain terms the warning that this practice of careless identification has got to come to an end.

**5.** We therefore suspend the mukhtar from practice for a period of one month and a circular will be issued to the lower Courts again drawing attention to the serious evil which it is the object of these proceedings to terminate.

**Saiyid Fazl Ali, J.**

I agree.

**A.E. Scroope, J.**

I agree.

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