

1906.  
May 7.

*Present:* Mr. Justice Wendt.

MESU *v.* KARUNARATNE.

*P. C., Galle, 21,650*

*Intermeddling with suitors—Person drawing up plaint for a suitor—  
Ordinance No. 11 of 1894, section 5.*

A person who draws up a plaint for a suitor at the suitor's request cannot be said to meddle with the suitor without lawful excuse, and cannot be punished under section 5 of Ordinance No. 11 of 1894.

WENDT, J.—Section 5 of Ordinance No. 11 of 1894 is so vague that it has practically been a dead-letter.

**A** PPEAL from a conviction under section 5 of Ordinance No. 11 of 1894.

The facts sufficiently appear in the judgment.

*A. St. V. Jayewardene*, for accused, appellants.

*VanLangenberg A. S.-G.*, for the Crown.

*Cur. adv. vult.*

7th May, 1906. WENDT J.—

The appellant when outside the Police Court of Galle was addressed by a woman named Caronchy, who asked him to get a petition written for her—a writing she explained to be submitted to the Court. She wished to institute a charge of assaulting her and her daughter. Accused went first to the Court Sergeant and asked him to help Caronchy to file a plaint that day, but was told it was too late. Leaving the Court and going to some other place which is not ascertained by the evidence, the accused drew up and counter-signed as the draftsman a plaint which Caronchy signed. It was proved that the Colonial Secretary had last year intimated to the accused that no petitions drawn by him would be received, and also that by a rule of the Police Court no petitions drawn by petition

drawers regarding criminal complaints were accepted. But I do not see that these facts are material. Appellant is not charged with cheating Caronchy. There is no proof of the payment to him of any money. The charge against him is that "without lawful excuse he meddled with the suitor Caronchy having business in the Police Court of Galle," and it is laid under section 5 of the Ordinance No. 11 of 1894. This section is so vague that it has practically been a dead-letter. The difficulties it presents were forcibly pointed out by Lawrie J. in *Narayanaswamy v. Deogu* (1). In the present case all that accused did was to draw up the plaint for Caronchy at her own request, preferred without any solicitation, from accused. I cannot hold that to be meddling with the suitor without lawful excuse. The Ordinance could not possibly have been intended to prevent one person writing out for another a document which the latter could not compose or write out himself.

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I set the conviction and acquit the appellant.

