

1912.

Present: Lascelles C.J.

ASANAR v. ANDREW.

593—C. R. Trincomalee, 4;159.

Contempt of court—False evidence—Civil Procedure Code, s. 800—Oaths Ordinance, s. 12.

A false statement may in some cases be so transparently false as to be disrespectful to the Court and to amount to a contempt. But a false statement unaccompanied by any special circumstances of this nature does not amount to a contempt of court within the meaning of Part LX. of the Civil Procedure Code; it is an offence punishable under section 12 of the Oaths Ordinance of 1895.

THE facts appear in the judgment.

Tambyah, for the appellant.—The appellant has not committed a contempt of court, punishable under section 800 of the Civil Procedure Code, by making the false statement. *Seadoris v. Leneris*.¹

van Langenberg, K.C., S.-G., for the Crown.—The contempt is punishable under section 12 of the Oaths Ordinance. The punishment will have to be varied in that case. Counsel referred to *Ramanathan, 1872—76, 109; 2 S. C. C. 8*.

August 23, 1912. LASCELLES C.J.—

In this case the appellant was, at the conclusion of the case, charged by the Commissioner for giving false evidence by stating on oath or affirmation that the defendant signed the plaintiff's book when the account was looked into. The appellant admitted that his statement was untrue, but stated, to quote his own words, "I admit that I lied, but it happened a long time ago." On that the learned Commissioner convicted him under section 800 of the Civil Procedure Code, and sentenced him to two months' rigorous imprisonment. Now, it has been held several times in this Court that a mere false statement on oath does not amount to a contempt of court punishable under section 800 of the Civil Procedure Code. A false statement may in some cases be so transparently false as to be disrespectful to the Court, and so amount to a contempt. But a false statement unaccompanied by any special circumstances of this nature does not amount to a contempt of court within the meaning of Part LX. of the Civil Procedure Code. The authorities on the point are to be found in the case reported in *5 N. L. R. 89; 2 S. C. C. 8; Ramanathan, 1872-76, 109*. The appellant is clearly liable to conviction under section 12 of the Oaths Ordinance of 1895, and I set aside the conviction in the Court below and sentence him to pay a fine of Rs. 30, and in default of payment to rigorous imprisonment for two months.

Conviction amended.

¹ (1901) 5 N. L. R. 89.