

## REG. V. BHALA' CHULA'.

1863.

July 29.

*Causing Hurt—Grave and Sudden Provocation—Ind. Pen. Code, Secs. 324 and 334.*

Causing hurt on grave and sudden provocation to the person giving the provocation is chargeable as an offence under Sec. 334, and not under Sec. 324, of the Indian Penal Code.

THIS prisoner was charged with causing hurt to the prosecutor on grave and sudden provocation given by the prosecutor to him. The Subordinate Magistrate at Nariad, in the Khedá District, tried the case, and sentenced the prisoner to one month's rigorous imprisonment, under Sec. 334 of the Indian Penal Code.

The Magistrate of Khedá, on a review of the case, was of opinion that the prisoner should have been charged under Sec. 324 of the Indian Penal Code, and accordingly forwarded the record and proceedings for the orders of the High Court, under Sec. 434 of the Code of Criminal Procedure—

“ Upon the ground that the person to whom the prisoner is charged with causing grievous hurt on grave and sudden provocation, is not ‘other’ than the person who gave him provocation.”

The decision of the High Court, consisting of SAUSSE, C. J., FORBES and TUCKER, JJ., was as follows:—

The Court considers that the Subordinate Magistrate has correctly construed the 334th section in applying it to the principal party who caused the provocation, and thereupon received the hurt which was the subject of complaint.

## REG. V. RATANJI BHUKAN.

July 29.

*Cotton—False Packing—Fraudulently Offering for Sale—Reg. III. of 1829, Sec. 1., cl. 1—Translation of Findings to be recorded.*

Cotton having been sold subject to examination by an Inspector, the mere fact of cotton of two different qualities being found in one of the bales is not sufficient to support a charge under Sec. 1., cl. 1, of Reg. III. of 1829.\*

Magistrates are bound to record translations of their findings in criminal cases.

THE accused in this case was a cotton merchant of Broach in Gujarát, and had contracted to supply a certain quantity of cotton to one Lakshmidás, one of the terms of the contract being that, prior to delivery, the cotton tendered

\* Reg. III. of 1829 is repealed by Act IX. of 1863 (Bombay).