1869
REG.
v.
JOTI SATU
et al.

On revising the monthly Criminal Returns of the Sátárá District, the High Court, consisting of NEWTON and TUCKER, JJ., called for the record and proceedings in this case, and passed the following order therein :—

The conviction and sentence are reversed in the cases of the prisoners Shiváji Bápuji and Bápuji Bhimáji (3 and 4). The fines if paid to be restored.

Convictions annulled.

NOTE.—See *Reg.* v. *Jethá Motí and others*, 2 Bom. H. C. Rep., p. 129, 2nd ed.

Aug. 12.

REG. v. SARDA'R PA'THU.

Escape from Custody—Warrant in Execution of Decree—Ind. Pen. Code, Sec. 174.

Sec. 174 of the Indian Penal Code does not apply to the case of a defendant escaping from custody under a warrant in execution of a decree of a Civil Court.

ONE Múnlál Mithálál having obtained a decree against the prisoner, Sardár Páthu, and his mother, Bái Alibaká, the Munsif of Kheḍá granted execution against both defendants, and they were taken in execution by an officer of the Court ; while they were being escorted to the Civil Jail, the prisoner, Sardár Páthu, managed to effect his escape, and he was thereupon charged before G. W. Anderson, F. P., Magistrate of Kheḍa, with having committed an offence punishable under Sec. 174 (*sic*) of the Indian Penal Code, and being found guilty was sentenced to undergo one month's simple imprisonment.

The case was called for by the High Court, on the Monthly Return of Prisoners submitted by the Magistrate of Kheḍá, and the following order passed therein :—

PER CURIAM (NEWTON and TUCKER, JJ.) :—The conviction and sentence are annulled, the Court being of opinion that Sec. 174 of the Penal Code does not apply to an escape from custody under a warrant in execution of the decree of a Civil Court.

Conviction annulled.