

1863.
REG.
v.
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to give her a receipt on stamped paper for money paid to him by her, knowing that there was no just or lawful ground for such charge: Sec. 211 of the Indian Penal Code."

The trying Magistrate convicted the accused, and sentenced her to pay a fine, commutable, in default of payment, to a fixed term of imprisonment under the section quoted.

On a review of the case, the High Court (present ERSKINE, NEWTON, and WESTROPP, JJ.) made the following order:—

The Court reverses the conviction and sentence, as it does not appear that the accused made a false charge of anything that was an offence at law.

Conviction reversed.

Nov. 13.

REG. V. ANA'JI valad GOVINDRA'M.

Mortgaging Property previously mortgaged—Officer—Hindús, Religious Law of, Reg. XIV. of 1827, Sec. 1., Cl. 1, Art. 7.

Reg. XIV. of 1827, Sec. 1., Cl. 1, Art. 7, * and the Religious Law of Hindús, are not applicable to the case of a party charged with mortgaging his house a second time previously to redeeming the same from a prior mortgagee.

THIS case was heard and decided in the first instance by Vishnu Purshotam, a Subordinate Magistrate of the First Class at Ahmednagar.

The accused was charged, under the 7th Art. of Cl. 1, Sec. 1., Reg. XIV. of 1827, with committing an offence declared penal by his religious law, and subversive of public morality, in that he mortgaged to a Márvádi for Rupees 47-8-0 a house which he had previously mortgaged to another, the claims of the prior mortgagee not having been satisfied at the date of the second mortgage.

The trying Magistrate found the facts proved as charged. He considered that they would constitute the offence of cheating, under Sec. 415 of the Penal Code, but that as the alleged offence was committed in the year 1861, before the Penal Code came into operation, Reg. XIV. of 1827 applied, and the Hindú Law Officer having declared the act charged to be penal, resembling "theft" under the

* Repealed by Act XVII. of 1862.

religious law of the accused, the trying Magistrate convicted him as charged, and sentenced him to three months' rigorous imprisonment.

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The High Court (present ERSKINE, NEWTON, and WESTROPP, JJ.), on a review of the case, made the following order:—

The Court reverses the conviction and sentence, as the law quoted is not applicable to the case.

Conviction reversed.

HUKUMCHAND TIKA'RA'M *Appellant.*
BHAGVANTRA'V, Rájá of Peth Samsthán ... *Respondent.*

Nov. 14.

Limitation—Act XIV. of 1859, Secs. 19-23—Act XI. of 1861, Sec. 2.

The periods of limitation specified in Secs. 19 to 23 of Act XIV. of 1859 run (under Sec. 2 of Act XI. of 1861) from the 1st of January 1862.*

THIS was a special appeal against the order passed by the Collector of Ahmednagar in a Miscellaneous proceeding connected with the execution of a decree.

Hukumchand, as plaintiff in a Civil suit, No. 1164 of 1857, obtained a decree against the deceased respondent, Bhagvantráv, in the Court of the Şadr Amín of Násik, dated the 6th of March 1859.

No steps were taken by Hukumchand to procure enforcement of this decree until the 2nd of March 1863, when he applied for and received a certificate from the court which had made the decree, to the effect that satisfaction had not been obtained; and he thereupon filed a petition in the Political Court of the Mámlatdár of Pent, on the 12th of March, praying that execution might be ordered to issue against some money which Government had ordered to be paid to the heirs of the deceased Bhagvantráv Rájá from the Pent Mámlatdár's Treasury.

The Mámlatdár declined to make the order prayed for, on the following grounds:—

* But see *Ex parte Kálidás Dámódhar*, 3 Bom. H. C. Rep., A. C. J. 175.