

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

1863.
REG.
v.
ANA'JI
GOVINDRA'M.

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.

1868.
 HUKUMCHAND
 TIKARAM
 v.
 BHAGVANT-
 RA'V.

1st—That Act XIV. of 1859 as amended by Act XI. of 1861 came into force from 1st January 1862, and that the application for execution of the decree in question was not made before that date.

2nd—That application for enforcing execution of the decree was not made within the time allowed by Secs. 20 and 21 of Act XIV. of 1859.

On appeal to the Collector of Ahmednagar, the order of the Mámlatdár was confirmed.

A special application was thereupon made to the High Court, praying that the orders of the Collector and his subordinate be reversed, and that the execution be ordered to proceed.

The case was heard before ERSKINE, NEWTON, and WESTROPP, JJ.

Dhīrajál Mathurádas for the decree-holder.

ERSKINE, J., delivered judgment:—We reverse the Collector's order, and direct execution of the decree to proceed, as we are of opinion that the periods of limitation, prescribed in Secs. 19, 20, 21, 22, and 23 of Act XIV. of 1859 as to count from the passing of the said Act, must now, under Sec. 2 of Act XI. of 1861, be reckoned as running from the 1st of January 1862.

Order reversed.

Crown Cases.

REG. v. SIDDU bin BALNA'TH.

Nov. 18.

Charge—Owner of articles dishonestly received to be stated—Ind. Pen. Code, Sec. 411.

A charge, under Sec. 411 of the Penal Code, of dishonestly receiving stolen property, should state that the articles found in possession of the accused were the property of A B, the owner thereof.

THE accused in this case was charged as under:—

“Dishonestly receiving stolen property knowing it to be stolen, in having had in his possession clothes and brass pots worth two rupees and six annas, and not being able to account satisfactorily for the manner in which he obtained possession of them: Sec. 411, Penal Code.”