

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.”

J. MacFarlan, F.P. Magistrate at Puná, tried the case, and, considering the charge proved, convicted the prisoner, and sentenced him to a term of rigorous imprisonment.

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The case was reviewed by the High Court (FORBES, ERSKINE, and WESTRÖPP, JJ.), which did not interfere with the conviction and sentence, but directed the Magistrate to be informed that the charge should have stated that the articles found in the prisoner's possession was property stolen from A B, the owner thereof.

SAKHA'RA'M bin VITHOJI *Appellant.*
SADA'SHIV bin SAYA'JI *Respondent.*

Nov. 19.

Agent's Court—Omission to secure Agent specific Jurisdiction—Act XV. of 1840—Reg. XXIX. of 1827—Reg. XIII. of 1830.

A *sanad* issued to an Agent of H. H. Holkar, under Act XV. of 1840 and Reg. XIII. of 1830, was held not to be invalidated by the omission to enter the Agent's name in any list of exempted or empowered persons under Regs. XXIX. of 1827 and XIII. of 1830.

The omission to secure the Agent any specific jurisdiction under Reg. XIII. of 1830 was held to disentitle him from exercising any but the most ordinary which could be exercised under that law.

THIS was an action of ejection, instituted in the Court of the Nyáyádhish* of His Highness Holkar at Wápgám, to recover possession of certain lands situated in the village of Bibi, in Tarf Khed, within the Puná District, within the jurisdiction of the Nyáyádhish, who held office under a *sanad* issued by the Government of Bombay under Act XV. of 1840.

Sadáshiv bin Sayáji, the plaintiff, claimed the lands as held by him in person under a *miráspatra* or grant made to him on the 1st of June 1859, by an authorised agent of the Holkar; the defendants, the occupants of the land, were stated in the plaint to hold as tenants-at-will of H. H. Holkar.

The village in which the lands in question are situated, and the village of Wápgám, where the Nyáyádhish held his Court, both belong to His Highness, though situated within British limits.

*न्यायाधीश—An administrator of justice, a magistrate, a judge—*Molesworth.*