

1864
Jan. 8

REG. V. DOSSA' SERA'.

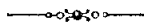
Jurisdiction—Custody—Escape from Custody.

A convict escaping from custody must be tried for that offence in the district within which he escaped; a Magistrate of another district has not jurisdiction to try him for the offence.

DOSSA' SERA', a Mussalman labourer, was tried by Kávarji Kávasji, F. P. Magistrate of Khedá, on the charge of having escaped from custody, in having, while undergoing two and a half years' imprisonment for thefts and escape from custody, effected his escape from confinement in North Cánará. He pleaded guilty, and was sentenced, under Sec. 224 of the Indian Penal Code, to suffer one year's rigorous imprisonment, to commence after the expiration of the imprisonment to which he had been already sentenced. The proceedings coming before the Court (present COCH, J.J.) for review, the following order was passed:—

The Court annuls the conviction and sentence, as the Magistrate of the Khedá District had no jurisdiction to try the offence within his district.

Conviction and sentence annulled.



Jan. 8

REG. V. HARI bin VITHOJI.

Jurisdiction—Session Judge—Sentence by Session Judge on Appeal.

A Session Judge cannot, on appeal from a Magistrate's conviction, inflict a term of imprisonment in commutation of a fine longer than which the Magistrate himself could have inflicted.

IN this case Hari bin Vithoji, was tried by A. W. Hughes, F. P. Magistrate at Ratnágiri, on a charge of theft, under Sec. 379 of the Indian Penal Code, by dishonestly cutting down and taking away a jack-tree out of the possession of, and without the consent of, one Ganesh Rámchandra. He was found guilty, and sentenced, under Sec. 379 of the Indian Penal Code, to undergo fifteen months' rigorous imprisonment. In appeal, the Acting Session Judge of the Konkan, C. Conne, recorded the following minute:—

“The Court affirms the conviction, but considers the sen-