

*Bassáppá* (b). Our views on this subject were also fully stated on the same day, in the case of *Reg. v. Vithoji valad A'bbá* (c), in which the evidence, exclusive of the examination, being sufficient to support the conviction, we did not consider it necessary to remand.

The present case, therefore, must be remanded, in order that proof may be taken of the examination; and an opportunity will then be afforded of ascertaining whether the confession was made freely, or in answer to questions, and what questions were put to the accused.

*Case remanded.*

(b) Next case.

(c) *Post*, p. 398.

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REG. V. PEVA'DI bin BASSA'PPA'.

1864.  
March 16.

THE prisoner was convicted of murder by A. L. Spens, Acting Session Judge of Dhárwár; and sentenced to death, subject to the confirmation of the High Court, under Sec. 380 of the Criminal Procedure Code.

The case was heard on the 16th of March 1864, before COUCH and NEWTON, JJ.

PER CURIAM :—The case to be returned to the Session Judge, in order that he may take any evidence that may be forthcoming to prove the alleged confession before the Magistrate, which as now recorded was inadmissible, because not taken as prescribed in Sec. 205 of the Criminal Procedure Code: the result of such inquiry and evidence to be certified to this court.

29th April. The case was resumed for final disposal this day.

PER CURIAM :—There is no evidence of what the questions were; but the witness says the confession was given freely, and was not elicited by any threats or promises. The form of the question is immaterial, even although it assumes the prisoner's guilt.

The Court alter the conviction of murder to one of culpable homicide, and sentence the prisoner to be transported for ten years.

*Conviction and sentence altered.*