

1866.
October 3.
Referred Case.

The case came on for hearing this day before COUCH, C. J.,
NEWTON and WARDEN, JJ.

PER CURIAM :—The Court reverses the conviction and sentence; and the Session Judge is requested to send a copy of his remarks on the case to the Magistrate, and to communicate to him the opinion of the Court that his proceedings in the case were highly irregular.

Conviction and sentence reversed.

NOTE.—In *Reg. v. Chinto Atmáram* and others, convictions and fines by C. B. Pritchard, F. P. Magistrate in the Tháná District, were, on a reference by the Session Judge, reversed by COUCH, C.J., and NEWTON, J., on the 6th of March 1867, for a similar neglect to comply with Sec. 52 of the Stamp Act, No. X. of 1862.—Ed.

REG. V. MALHÁRJI bin NAULOJI.

Penalty for breach of Town Rule—Act XXVI. of 1850—Subordinate Magistrate—Jurisdiction.

Held that a Subordinate Magistrate has no jurisdiction to impose a penalty for breach of a rule made by Town Commissioners under Act XXVI. of 1850, Sec. VII., cl. 5.

November 21.
Referred Case.

THIS was a reference by the District Magistrate of Puná, under Sec. 434 of the Code of Criminal Procedure.

Malhárji was charged with having committed a breach of a rule made by the Town Commissioners of Puná, in having built a house on the side of the public road without obtaining the consent of the Commissioners; and was convicted by Moro Vináyak, First Class Subordinate Magistrate, and sentenced to pay a penalty of two rupees, under Act XXVI. of 1850, Sec. VII., cl. 5.

The case was heard this day before COUCH, C.J., and NEWTON, J.

PER CURIAM :—The Court annuls the conviction and sentence, and orders the fine, if paid, to be restored; as the payment of the penalty could only be enforced by a Full Power Magistrate, and not by a Subordinate Magistrate, who had no jurisdiction to impose it.

Conviction and sentence annulled.