

REG. V. SADU VALAD PAVADI.

Retailing opium without license—Reg. XXI. of 1827—“Zillah Magistrate”—Jurisdiction.

A conviction and sentence by a Full Power Magistrate for breach of the rules for the retail sale of opium, under Reg. XXI. of 1827, Sec. 10, annulled for want of jurisdiction: as ‘the Zillah Magistrate’ alone was empowered to enforce the penalty.

SADU was charged with retailing opium without having previously obtained a license, contrary to the provisions of Reg. XXI. of 1827, Sec. 10; and was convicted by Vishnu Parasharám, F. P. Magistrate at Solápúr, and sentenced to pay a fine of forty rupees, or in default to undergo simple imprisonment for forty days.

1866.
December 5.
Crim. Review.

The record was called for and reviewed this day by COUCH, C.J., NEWTON and WARDEN, JJ.

PER CURIAM :—The Court annuls the conviction and sentence, and orders the fine, if paid, to be restored; as the District Magistrate alone had jurisdiction to try the case.

Conviction and sentence annulled.

NOTE.—“The penalty * * * shall be enforced by information before the Zillah Magistrate or Criminal Judge (according to the general code) if the act were committed within the jurisdiction of any Zillah Court.”—Reg. XXI. of 1827, Sec. VII., cl. 1. And for the meaning to be put on the term ‘Zillah Magistrate’ see *Reg. v. Prabhákar N. Soman, antè, p. 11.*—ED.

REG. V. KRISHNA’JI BA’PUJI GA’IKAVA’D.

Security for Good Behaviour—Irregular Sentence by Magistrate—Crim. Proc. Code, Secs. 296 and 434.

A direction annexed to a sentence of imprisonment under Sec. 448 of the Ind. Pen. Code—that the convict be brought up, at the expiration of the sentence, in order that he may give security for good behaviour for the period of one year—reversed: as not being authorised by Sec. 296 of the Crim. Proc. Code.

THE prisoner was convicted by W. H. Havelock, District Magistrate at Tháná, of house trespass, under Sec. 442 of the Penal Code; and sentenced to suffer six months’ rigorous imprisonment, “and, at the expiration of the sen-

1867.
January 30.
Referred Case.