

1867.
REG.
v.
KUSHYA' BIN
YESU.

COUCH, C. J. :—As all the previous convictions were prior to the passing of the Indian Penal Code, the prisoner is not subject for the present offence to be punished under Sec. 75.

We, therefore, reduce the sentence to seven years' rigorous imprisonment, the highest amount of punishment to which the prisoner is liable, under Sec. 380 of the Code.

Sentence altered.

REG. V. ZORA KARUBEG.

Sept. 26.

Conviction on several Charges—Punishment in excess—Criminal Intimidation—Ind. Pen. Code, Secs. 506 and 507.

Where a person, though charged under two heads, was found guilty of what was substantially but one offence :—

Held, that it was improper for the Session Judge to record a conviction under two sections of the Indian Penal Code; and thereupon to award a punishment of two years' imprisonment in excess of what the law prescribed for the offence committed.

THE prisoner was convicted, by C. G. Kemball, Session Judge of Súrat : (1) of the offence of criminal intimidation, the threat being to cause the death of one Jibháí Rámdás, and (2) of criminal intimidation, by posting up an anonymous communication against the said Jibháí Rámdás; and was sentenced, under Secs. 506 and 507 of the Indian Penal Code, for the 1st offence to suffer seven years' rigorous imprisonment, and for the 2nd offence to suffer two years' rigorous imprisonment.

The High Court, on reviewing the Session Judge's monthly Criminal Return, sent for the record and proceedings.

PER CURIAM (COUCH, C. J., and NEWTON, J.) :—The Court reverses the conviction of Zora Karubeg under the 2nd head of the charge, on the ground that there was but one offence committed, and that it was improper for the Session Judge in such a case to record a conviction under two sections of the Indian Penal Code, and thereupon to award a punishment of two years' imprisonment in excess of what the law prescribes for the offence which was committed.

Conviction under 2nd head annulled.

NOTE.—See *Reg. v. Ganú Ládu*, 2 Bom. H. C. Rep. 132.—ED.