

1868.  
REG.  
v.  
RAVLOJIRÁV  
HANMANTRÁV.

“It is true that Sec. 54 of Act XVII. of 1854 uses the words ‘punished on conviction;’ but then Sec. 46 of the Pársi Matrimonial Act (XV. of 1865) limits the powers of a Magistrate; and if it had been the intention of the Legislature to authorise the committal of offenders to the Court of Sessions for trial for offences under the Registration Act, there was no reason why such intention should not have been expressed in Sec. 95 of Act XX. of 1866.

“For which reasons, the proceedings of the Magistrate F. P. will be submitted to the High Court, under Sec. 434 of the Code of Criminal Procedure, in order that the commitment of Ravlojiráv may be quashed, and the Magistrate F.P. be directed to dispose of the case according to law.”

PER CURIAM (COUCH, C.J., and NEWTON, J.):—The words in Sec. 95 of Act XX. of 1866 are “prosecutions shall be instituted;” whereas the words in Sec. 54 of Act XVII. of 1854 are “conviction before a Magistrate:” and the case quoted by the Session Judge is not applicable. The commitment of the case appears to us legal, and the Session Judge should try the case.

### REG. v. UMTHA' RUGNA'TH.

*Appeal—Magistrate of District—Magistrate F. P.—Broach.*

*Held* that the power conferred upon the Magistrate F. P. at Broach to hear appeals does not exclude the jurisdiction which the Magistrate of the District has by law, and that the proceedings in any case, in which a prisoner has appealed from the decision of a Subordinate Magistrate to the District Magistrate, must be forwarded to the latter.

**I**N this case the prisoner was convicted and sentenced to two months' rigorous imprisonment by U'medráv Ranchoddás, 1st Class Subordinate Magistrate at Broach.

The prisoner preferred an appeal to T. C. Hope, Magistrate of the District, who called upon the Magistrate F. P. (C. M. Hogg) at Broach to forward the proceedings; but the Magistrate F. P. objected to furnish the original

proceedings, on the ground that he (the Magistrate F. P.) was duly invested with the power to hear appeals.

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The papers and correspondence in this case were referred for the orders of the High Court.

PER CURIAM (COUCH, C. J., and NEWTON, J.) :—The power conferred upon the Magistrate F. P. at Broach to hear appeals, does not exclude the jurisdiction which the Magistrate of the District has by law. The proceedings in any case, in which the appeal is made to the Magistrate of the District from the decision of a Magistrate subordinate to him, must be forwarded to him.

REG. v. SHEK ALI' valad FAKI'R MUHAMMAD.

Feb. 4.

*Alteration of Charge after Verdict—Trial by Jury—Crim. Proc. Code, Sec. 244.*

On a trial by jury the Session Judge has no power to alter the charge after the delivery of the verdict.

THE prisoner was tried by jury before F. Lloyd, Session Judge at Puná, on a charge, framed under Sec. 240 of the Indian Penal Code, of "delivering counterfeit Queen's coin possessed with the knowledge that it was counterfeit." The jury returned a verdict of *Not Guilty*.

The Session Judge then caused a charge, under Sec. 241 of the Indian Penal Code, to be framed. The accused's vakíl objected to this being done, on the ground that, after the delivery of the verdict of the jury, it was not competent to the Court to call on the accused to plead to a fresh charge.

The assessors found the accused guilty under Sec. 241, and the Court, concurring with them, sentenced the accused to six months' rigorous imprisonment and a fine of Rs. 100, or, in default of payment, to further rigorous imprisonment for one month.

The case was referred by the Judge to the High Court, with a view to ascertain whether the above procedure was illegal, and whether, under Sec. 244 of the Criminal Proce-