

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.

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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-

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Code, he had power to alter the charge after the delivery of the verdict.

•PER CURIAM (COUCH, C.J., and NEWTON, J.) :—The Court reverses the conviction and sentence, on the ground that on a trial by jury the Session Judge has no power to alter the charge after the delivery of the verdict.

Conviction and sentence reversed.

NOTE.—Sec. 244 :—“It shall be competent to any Court before which a trial is held, at any stage of the trial, to amend or alter the charge.”

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REG. V. MA'VJI DAYA'L.

REG. V. KA'LIDAS KEVAL.

Municipal Commissioners—Jurisdiction—Act XXVI. of 1850.

The Managing Committee of Municipal Commissioners appointed under Act XXVI. of 1850 have no power to try and convict persons for alleged breaches of rules made in pursuance of that Act.

The power to inflict fines for such offences is, by Sec. 10, vested in the Magistrate.

THE first case was submitted for the orders of the High Court by C. G. Kembball, Session Judge of Súrat, on a review of the monthly returns of the Magistrate's proceedings, with the following remarks :—

“The accused was charged with, and convicted of, wantonly or cruelly beating or torturing an animal, in breach of Cl. 15, Sec. xxxviii. of the Súrat Municipal Rules. He was a horsekeeper in the employment of a gentleman residing within the city walls, and the offence was said to have taken place in the stable while he was cleaning his master's horse. The case was a trivial one, and the punishment inflicted small, but the conviction appears to me so manifestly unjust, that I feel I have no alternative but to send up the proceedings for the orders of the High Court. The only evidence in the case most clearly disproves the charge based on the aforesaid Cl. 15; and how the Magistrate F. P. could, in the face of it, record a conviction, is beyond conjecture.”