

REG. V. GANGA' KOM MHASU.

1868.
Feb. 12.*Trespass by Cattle—Jurisdiction—Act III. of 1857, Sec. 18.*

By virtue of Sec. 21 of the Crim. Proc. Code, a Subordinate Magistrate of the 1st Class has jurisdiction to try an offence under Sec. 18 of Act III. of 1857 (Cattle Trespass Act), there being no provision in that Act as to the authorities by which offences committed under it are to be tried.

THE accused was convicted, by the First Class Subordinate Magistrate of Karád, in the Sátará District, under Sec. 18 of the Cattle Trespass Act (III. of 1857), and sentenced to pay a fine of two rupees, "for allowing his pigs to cause damage to certain trees belonging to the complainant."

It having appeared to the District Magistrate, J. R. Arthur, that a Subordinate Magistrate had no jurisdiction under the Act in question, he referred the case for the orders of the High Court, under Sec. 434 of the Code of Criminal Procedure.

PER CURIAM (COUCH, C. J., and NEWTON, J.) :—It appears to us that, as no special provision is made in Act III. of 1857 as to the authority by which offences under Sec. 18 of that Act are to be tried, Sec. 21 of the Code of Criminal Procedure gives jurisdiction to the First Class Subordinate Magistrate; and this ruling is in accordance with the rulings of the late Šadr Court in 1861-62.

REG. V. VITHAL LAKSHUMAN.

Feb. 13.

Illegal Order—Transit Duties—Holkar's Government.

Held that it was beyond the power of a Collector to issue an order prohibiting the receiving of transit duties for the Holkar's Government in British territory.

THE accused was charged with "disobeying an order of , a public servant in levying transit duties for the Holkar's Government in British territory, contrary to the order of the Magistrate," and was convicted and sentenced by the