

1868.  
May 20.

REG. v. VITHU bin MA'LLU.

*Post Office Act—Jurisdiction—Subordinate Magistrate.*

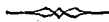
A Subordinate Magistrate has jurisdiction to try a prisoner for an offence under Sec. 47 of the Indian Post Office Act (Act XIV. of 1866).

THE record and proceedings in this case were referred for the orders of the Court by J. R. Arthur, Magistrate of the District of Sátará, under Sec. 434 of the Code of Criminal Procedure.

The accused was convicted and sentenced to pay a fine, under Sec. 47 of the Indian Post Office Act (XIV. of 1866), by the Second Class Subordinate Magistrate at Tásgám.

The Magistrate of the District was of opinion that offences under the above Act were not cognisable by a Subordinate Magistrate, and that, therefore, the trial of this case was illegal.

PER CURIAM (NEWTON, Acting C.J., and TUCKER, J.) :— Under the provisions of Sec. 53 of Act XIV. of 1866, with the interpretation given in Sec. 2 of that Act, the Court considers that a Subordinate Magistrate is competent to convict of an offence under Sec. 47.



REG. v. SAKYA' valad KA'VJI *et al.*

May 20.

*Sentence—Amalgamation of Sentences—Transportation—Ind. Pen. Code, Sec. 75.*

Sentence of transportation for fourteen years under Sec. 392 of the Ind. Pen. Code annulled, as the offence for which such sentence was passed was not committed *subsequently* to any conviction; and Sec. 75 had, therefore, been improperly applied.

*Semble*, that a Session Judge cannot (under Sec. 75 of the Ind. Pen. Code, or otherwise), by amalgamating a sentence which he is competent to pass upon a prisoner with a sentence under which such prisoner is already undergoing imprisonment, and commuting the latter sentence, condemn such prisoner to a longer period of transportation than he is liable to suffer for the crime of which he has last been convicted.

THE record and proceedings in this case were sent for by the High Court on a review of the Criminal Return of the Session Judge of Ahmednagar.