

Robertson, Acting Magistrate of the District, who remarked that the prosecution in the case was entertained without the sanction or complaint required by Sec. 168 of the Code of Criminal Procedure.

1868.  
REG.  
v.  
GANU  
TATIA SELAR.

PER CURIAM (NEWTON, Acting C. J., and TUCKER, J.) :—  
Although the proceedings would have been more regular if express sanction had been given for the prosecution, still as the charge was tried before the same Magistrate whose summons was treated with contempt, his sanction for the prosecution must be implied, and under such circumstances no complaint was necessary.

*No order.*

REG. V. NARA'INA'PPA' COMTE.

May 20.

*Summons—Non-attendance in obedience to summons—Revenue case—Reg. XVII. of 1827, Secs. 26 and 29.*

*Held* that a conviction under Sec. 174 of the Indian Penal Code for “having intentionally omitted to attend the Mahalkari’s *Katcheri* to give evidence in a revenue case, under Secs. 26 and 29 of Reg. XVII. of 1827, though the summons issued was duly served upon the accused,” was not illegal.

THIS case was referred for the orders of the Court by J. Elphinston, Acting Magistrate of the District of Cánará, under Sec. 434 of the Code of Criminal Procedure.

The accused was convicted by the Subordinate Magistrate of the Second Class at A'nkola, under Sec. 174 of the Indian Penal Code, of having intentionally omitted to attend the Mahalkari’s *Katcheri* to give evidence in a revenue case, under Secs. 26 and 29 of Reg. XVII. of 1827, though the summons issued for his appearance was duly served on and signed by him. The Acting Magistrate of the District, however, was of opinion that the said Regulation did not authorise the issue of summons for the attendance of witnesses to be examined under its provisions, and that, therefore, the accused was not liable, under Sec. 174 of the Indian Penal Code.

PER CURIAM (NEWTON, Acting C.J., and TUCKER, J.) :—  
The Court does not consider the conviction illegal, and will not, therefore, interfere.