

REG. v. YESSA'PPA' bin NINGA'PPA'

1868.
May 20.*Amends in cases of Theft—Fine—Recovery of Stolen Property.*

Where loss is occasioned to a person whose property has been stolen, it is not illegal for the trying Magistrate to award portion of the fine inflicted on the accused as amends to the owner of such property, although the stolen property is recovered and restored to the owner.

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 of having cut and removed from the Government *jángals* at Ambádghéy, without permission, three teak poles, worth eight annas, by the Subordinate Magistrate of the Second Class at Halliál, who awarded a sum of one rupee to be credited to the Forest Department from the fine levied from the accused, and ordered the wood thus stolen to be returned to Government.

The Magistrate of the District was of opinion that, as the stolen property was recovered, it was unnecessary to direct any portion of the fine to be credited to the Forest Department, and observed that the amount awarded was in excess of the injury alleged to have been committed.

PER CURIAM (NEWTON, Acting C.J., and TUCKER, J.) :—As the trying officer considered that loss had been occasioned to the Forest Department, the award of the fine was not illegal, and the Court cannot interfere.

No order.

REG. v. PA'NDURANG MAYRA'L AND RA'MKRISHNA HARI. June 10.*Investigation by Magistrate—Discharge—Crim. Proc. Code, Sec. 171.*

Where, under Sec. 171 of the Criminal Procedure Code, a case is sent up for investigation by a Magistrate, it is competent for such Magistrate to *discharge* the accused, under Sec. 225, if, in his opinion, the evidence against the accused is not sufficient to warrant their committal to the Session Court.

THIS case was referred for the orders of the High Court by F. Lloyd, Session Judge at Puñá, under Sec. 434 of the Code of Criminal Procedure.