

1868.
Nov. 13.

REG. v. KERU bin RA'MSHET *et al.*

Act (Bombay) VII. of 1867, Sec. 31—Resident Magistrate—Notification by Government.

Bombay Act VII. of 1867, Sec. 31, became at once operative in all places where a Magistrate was resident, without having been specifically extended thereto by Government by *Notification*.

IN this case the accused were convicted by the Subordinate Magistrate of the Second Class at Nágotná, in the Kulábá Sub-Collectorate of the Tháná District, under Sec. 31 of (Bombay) Act VII. of 1867; and were sentenced each to pay a fine of eight annas or in default to suffer simple imprisonment for two days, in that they threw a mass of filth or refuse close to a public road in the said town of Nágotná.

The Acting Magistrate of the District, J. W. Robertson, was of opinion that the operation of Sec. 31 to any town, place, or road required to be specially extended by Government by notification, which had not been done in respect of any part of the Tháná District, and that, therefore, the conviction and sentence passed in the case were null and void.

PER CURIAM (NEWTON and TUCKER, JJ.):—The record and proceedings to be returned, inasmuch as Sec. 31 of (Bombay) Act VII. of 1867 became at once operative at Nágotná, without being specially extended to that town by Government by notification, as there was a Magistrate resident at that place.

Nov. 19.

REG. v. DHONDU RA'MCHANDRA.

Complaint—Conviction of Offence other than that stated in Complaint—Crim. Proc. Code, Sec. 250.

Where a complaint laid before a Magistrate F. P. by certain Government *employés* accused the prisoner of criminal breach of trust of their wages, but from the evidence adduced it appeared that the offence of which the prisoner was guilty was criminal breach of trust of Government money: *It was held* that the Magistrate F. P. had power to frame a charge against, and convict, the prisoner of the latter offence without a fresh complaint being made to him.

THIS was a case submitted for the orders of the High Court by the Honorable G. A. Hobart, Session Judge