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tinued, thereby sanctioning a higher penalty than that provided by the Act; but this is illegal. The Commissioners had no power to frame rules authorising a higher penalty than that provided by cl. 5, Sec. vii. of Act XXVI. of 1850."

PER CURIAM (NEWTON and TUCKER, JJ.):—The Court reverses as illegal that part of the Magistrate's order which purports to award a fine of two rupees a day in case of any future disobedience of the mandate of the Commissioners.

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REG. v. SAJJAN valad VITHU.

*Stamp—Complaint by Civil Court—Crim. Proc. Code, Sec. 168.*

A complaint preferred by a Munsif under Sec. 168 of the Crim. Proc. Code need not, though it do not bear the seal of the Munsif's Court, be on stamped paper.

THIS was a case referred for the orders of the High Court, by the Honorable G. A. Hobart, Session Judge of Khán-desh, under Sec. 404 of the Code of Criminal Procedure.

The accused not having attended the Civil Court in obedience to a summons issued by the Civil Court and served on him, the Munsif of Málígám sent a "yádi," in the usual official form, to the Subordinate Magistrate, 2nd Class, complaining of such contempt of his lawful authority, and requesting that the Magistrate would institute inquiry into the matter. The Magistrate was of opinion that the complaint should have been on stamped paper, and declined to entertain it on the Munsif's unstamped official "yádi." C. B. Pritchard, Magistrate F. P., coincided in opinion with the Subordinate Magistrate, and nothing was done in the matter.

The Session Judge remarked—

"It seems to me that a complaint laid by 'yádi' by a Munsif is a 'writing made by a court,' which is exempt from a stamp, under the general exemptions clause at the end of Schedule A of the Stamp Act; that if not so, it is an information laid before a Criminal Court, which the Magis-

trate, in the exercise of his judicial discretion, should exempt from stamp duty—a discretion he can exercise under the provisions of the exemption clause of Art. 10 of Sch. B of the Stamp Act (substituted, under Act XXVI. of 1867, for the former Sch. B of the Stamp Act).

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“The short way of looking at the case appears to be, that the ‘*yádi*’ was a complaint by the Civil Court, and though not sealed with the official seal of the Munsif, yet a complaint of such court notwithstanding, for there is nothing in the Criminal Procedure Code by which such complaint is required to be sealed. If the Magistrate was, therefore, unable to take judicial notice of the Munsif’s signature (as he was unable), he should have required proof of it. It might have been better if the ‘*yádi*’ had been sealed with his official seal.”

PER CURIAM (NEWTON and TUCKER, JJ.): We are of opinion that the Magistrate was in error in requiring the Munsif to prefer a complaint on stamped paper. Under Sec. 168 of the Code of Criminal Procedure, the sanction of the Civil Court was all that was necessary, and, under Sec. 171, on the Munsif sending the case to the Magistrate, he was required to proceed thereupon according to law.

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REG. v. DALPATRA'M PEMA'BHA'I.

Dec. 17.

*Recognisance Bond—Security to keep the Peace—Legal Evidence—Crim. Proc. Code, Secs. 282, 288, and 307*

Order of District Magistrate, requiring certain persons to enter into recognisance and find security to keep the peace, reversed, as such order appeared to have been made without any legal evidence having been taken and recorded, as required by Sec. 307 of the Crim. Proc. Code.

CASE referred, for the orders of the High Court, by N. M. W. Daniell, Acting Session Judge of Súrat, under Sec. 434 of the Code of Criminal Procedure.

The facts of the case sufficiently appear from the following extracts from the judgment of the Session Judge:—

“The facts, as stated before this Court, are that Dalpat-rám was accused, before the Subordinate Magistrate, by Dulbá Devlá and Devlá Díál, of committing assault.