

The proceedings were accordingly referred to the High Court.

PER CURIAM (GIBBS and MELVILL, JJ.):—The Court is of opinion that, under the provisions of Section 23 G. of the Code of Criminal Procedure, a Magistrate F. P. is, for the purposes of Section 434, immediately subordinate to the Magistrate of the District, and not to the Court of Session. The Acting Session Judge, therefore, had no authority to call for or to refer these proceedings, and the Court can make no order on the reference.

*No order.*

Reg. v. Bhaishankar Narbheram.

*Inquest Report—Evidence—Reg. XII. of 1827, Sec. 52.*

Reg. XII, of 1827, Sec. 52, having been repealed by (Bombay) Act VIII. of 1867, an inquest report is not admissible in evidence.

In this case the record and proceedings were sent up to the High Court for confirmation of the sentence of death passed by C. G. Kemball, Session Judge of Surat, upon the prisoner, who was tried and convicted of the offence of culpable homicide amounting to murder.

The Court (GIBBS and MELVILL, JJ.) made the following order:—

The Court confirms the sentence of death passed upon the prisoner, Bhaishankar Narbheram. The Session Judge should be informed that Reg. XII. of 1827, Sec. 52, having been repealed by Bombay Act VIII. of 1867, the inquest report was not admissible in evidence, and should not have been recorded as such.

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Reg.

v.

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et al.

Dec. 2.