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Mámlatdár had no jurisdiction to deal with sea-fisheries. His powers were not intended by Bombay Act V. of 1864 to be extended beyond those of the Collector and his Assistants under the Regulations and Act XVI. of 1838. Those who engage in acts of violence on an insufficient warrant do so at their own peril. But the order relied on is in truth not one which assigns to the Manori fishermen any exclusive enjoyment of fishing-rights over a definite district of the sea. Much less does it purport to empower them to tear up the fishery of their neighbours the people of Málavni. It cannot have the effect of exonerating them from the natural consequences of their conduct, on the ground that they did not know that they were about to cause wrongful damage. They appear to have been led into violence chiefly by the mischievous guidance of the late unfortunate Mr. Morobá Kánobá. I trust the result will for the future prevent their taking the law into their own hands, as it must teach them that thus used, or abused, it is a dangerous weapon—more likely, perhaps, to injure those who employ it than their antagonists.

I concur in dismissing the application.

July 3.

REG. v. CHILL.

Jurisdiction—European British Subject—Offence committed in Indian Foreign Territory—Penal Code.

A European British subject is liable to be tried in the High Court of Bombay for an offence against the Indian Penal Code committed in the territories of a Native Prince in alliance with Government upon charges framed under the Penal Code.

AT the third Criminal Sessions of 1871 (held by SARGENT, J.), G. P. Chill, a European British subject, was by the Clerk of the Crown charged as follows:—

(I.) That he, the said G. P. Chill, on the 1st of January 1871, at Kennagh Khedá, in the village of Sat Khanda, in the Parganá of Nimbaherá of Tonk of Rájputáná, within the jurisdiction of the High Court of Judicature at Bombay, did wrongfully confine one Udá Jívá, against the form of the

Indian Penal Code, in such case made and provided. (Sec. 342.)

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(II.) That he, the said G. P. Chill, &c., on the Nasirábád road near the said village, did unlawfully compel the said Udá Jívá to labour, against the will of the said Udá Jívá, against the form, &c. (Sec. 374.)

(III.) That he, the said G. P. Chill, &c., did abet the commission, by Shivlá Udá and others, of the offence of wrongful confinement of the said Udá Jívá, and that the said Udá Jívá was wrongfully confined in consequence of such abetment, against the form, &c.

Upon the prisoner being arraigned, *Anstey*, who was for the defence, submitted that the court had no jurisdiction to try the accused on these charges, for that, if triable at all, the accused was triable upon charges framed under English law, and not under the Penal Code; and that the acts alleged against the accused were not crimes or offences according to English law, an objection which no possible amendment of the charges would obviate. He referred to 33 Geo. III., c. 52, s. 67: Act I. of 1849; Act VII. of 1854; Indian Penal Code, Secs. 2, 3, and 4. He said that this act might not be an offence in Tonk.

Mayhew, contra :—The 44th section of the Charter of the Supreme Court gave that court jurisdiction to try a case like the present, and that jurisdiction is continued to the High Court by Cl. 21 of the old, and Cl. 22 of the new Letters Patent. The prisoners are rightly charged under the Penal Code: *Reg. v. Watkins (a)*. The court will judicially notice the fact that Tonk is part of a State in alliance with the Government.*

SARGENT, J. :—I think the court has jurisdiction in this case. Sec. 67 of 33 Geo. III., c. 52, says: “And be it further enacted that all His Majesty’s subjects, as well servants of the said United Company as others, shall be, and are hereby

(a) 2 Mad. II. C. Rep. 444.

* See Aitchison’s Treaties, Engagements, and Summuds, Vol. IV., pp. 290–293.

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declared to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanours, offences and crimes whatever, by them or any of them done or to be done or committed in any of the lands or territories of any Native Prince or State, or against their persons or properties, or the persons or properties of any of their subjects or people, *in the same manner* as if the same had been done or committed within the territories directly subject to and under the British Government in India." By Sec. 44 of the Charter of the late Supreme Court it was empowered to take cognisance of all treasons, murders, * * * crimes, extortions, misdemeanours, trespasses, wrongs and oppressions committed by any of Her Majesty's subjects in any of the territories subject to or dependent upon the Government of Bombay, or in the territories of Native Princes or States in alliance with the Government of Bombay. This court, therefore, which has the same criminal jurisdiction as the late Supreme Court, has criminal jurisdiction in respect of all acts committed by British subjects in Native States in alliance with the said Government which would be offences if committed in British territories. The charge against the prisoner alleges an act which was undoubtedly an offence under the Penal Code. It was urged by the learned counsel for the accused that it might not be an offence in Tonk : but that is immaterial. I am, therefore, of opinion that this court has jurisdiction in the case, and that the prisoner is rightly charged under the Penal Code.

His Lordship reserved the point for the opinion of the Full Court, but the prisoner was acquitted, and the point reserved was, therefore, not argued.