

both parties expressed their wishes that we should do, namely, express our opinion as to its continuing force: and we declare that in our opinion the order ought not to be any further executed. There will, of course, be no costs given on either side.

There being no dispute as to the proper amount of the dower, it was by consent ordered that Rs. 490, less the several sums paid since the divorce (namely), Rs. 250, should be paid to Hírbái's solicitor for her.

Attorney for Kásam Pírbháí: *C. Tyabji.*

Attorney for Hírbái: *G. S. Lynch*, Acting Attorney for Paupers.

REG. v. MOROBA' BHA'SKARJI.

July 13.

Criminal Intimidation—Threat of Injury—Ind. Pen. Code, Sec. 503.

Where the accused went to the complainant, the brother of an adult woman, and told him that he had come from the Sarkár and would get him six months' imprisonment if he (the complainant) did not let his sister go:

Held that these words did not constitute either criminal intimidation, within the meaning of Sec. 503 of the Indian Penal Code (there having been no threat of an *injury* in the sense of the Code), or any other offence known to the law.

Where there is anything peculiar in the circumstances of a case, a criminal appellate court should notice it, even when such court confirms the conviction by the court which tried the accused.

THIS was an application for the exercise of the court's extraordinary criminal jurisdiction.

It was heard before KEMBALL and WEST, JJ.

Pándurang Balibhadra for the accused.

Dhirajlál Mathurádás, Government Pleader, for the Crown.

The judgment of the court was delivered by

KEMBALL, J. :—The accused in this case was convicted, by a First Class Subordinate Magistrate in the Ahmedábád District, of criminal intimidation, under Sec. 506 of the Indian Penal Code, apparently for having gone to the complainant, and, with the purpose of making him release his (com-

1871.
In re
KÁSAM
PÍRBHÁÍ
& his wife
HÍRBÁÍ.

1871.
REG.
v.
MOROBÁ
BHÁSKARJÍ.

plainant's) sister, a woman thirty years of age, who was being detained in the house, told him that he had come from the Sarkár and would get him six months' imprisonment if he (complainant) would not let his sister go. The reasons for the finding were thus set forth:—"The charge against the accused No. 3, Morobá Bháskarji, is held proved by the evidence of the witnesses, and, as he was punished before, he is convicted;" and the accused was then sentenced to undergo rigorous imprisonment for six months. Morobá appealed to the Magistrate of the District against the conviction and sentence, who rejected the petition with these remarks:—"There is no ground for interfering with the conviction and sentence passed by the Subordinate Magistrate;" and the case now comes before this court upon an application for the exercise of our extraordinary jurisdiction, on the ground that the act charged, if proved, did not constitute an offence under the section quoted.

Having heard the Government Pleader in support of the conviction, we are clearly of opinion that it cannot be sustained. To convict a man of an offence *because* "he was punished before" is obviously illegal; and to say simply that a charge "is held proved by the evidence of the witnesses" does not satisfy the requirements of Sec. 429 of the Criminal Procedure Code. Taking it, however, to be proved that the accused did threaten the complainant with a criminal prosecution if he persisted in detaining his sister in his house, we consider that that act did not constitute either "criminal intimidation" (there having been no threat of an *injury* within the meaning of the Penal Code), or any other offence known to the law. We, therefore, reverse the conviction and sentence.

Before leaving this application, we think it necessary to observe that though, as a general rule, it is not incumbent on an appellate court, when confirming a decision appealed against, to set forth its reasons in full, the circumstances of the present case were such as to require something more at the District Magistrate's hands than the slender and summary notice recorded.