

[APPELLATE CRIMINAL JURISDICTION.]

1873.
March 27.

Criminal Reference No. 21 of 1873.

REG. *v.* JETHA' BHALA'.

Compounding offence—Voluntarily causing hurt—Withdrawal—Crim. Proc. Code, Sec. 188.

The offence of voluntarily causing hurt, under Section 323 of the Indian Penal Code, is one which may lawfully be compounded, and the withdrawal from the prosecution in such a case is, therefore, permissible under Section 188 of the Code of Criminal Procedure.

THIS was a reference made by T. C. Hope, Magistrate of the District of Surat, under Section 296 of the Code of Criminal Procedure. One Bhangio Ditio instituted a complaint against the accused Jethá Bhalá, in the court of the Third Class Magistrate of Mandvi, for voluntarily causing hurt, which complaint the Magistrate allowed to be withdrawn. The District Magistrate was of opinion that the Magistrate had no power to allow the complaint to be withdrawn, and, therefore, referred the case for the orders of the High Court.

The reference was heard by Melvill and Kemball, JJ.

PER CURIAM:—The offence of voluntarily causing hurt is one which may lawfully be compounded, and, therefore, withdrawal is permissible under Section 188 of the Code of Criminal Procedure.

Order accordingly.