

18 B. 97.

[97] CRIMINAL REVISION.

Before Mr. Justice Candy and Mr. Justice Fulton.

QUEEN-EMPRESS v. SHIDGAUDA.* [13th February, 1893.]

Criminal Procedure Code (Act X of 1882), s. 263 (h) - Summary trials - Magistrate's finding to contain a statement of the reasons for a conviction.

Under s. 263 (h) of the Code of Criminal Procedure (Act X of 1882) a Magistrate, in recording his reasons for a conviction, must state them so that the High Court on revision may judge whether there were sufficient materials before him to support the conviction.

Empress v. Panjab Sing (1) followed.

[F., 2 Cr. L. J. 375 = 3 L. B. R. 208 (209); 1 L. B. R. 95; 1 L. B. R. 208 (209); Rat. Unr. Cr. Cas. 778 (779); R., 21 A. 189 (191); 2 S. L. R. 3 Cr.]

THIS was an application under the criminal revisional jurisdiction of the High Court [s. 435, Criminal Procedure Code (X of 1882)].

The accused was charged with having committed criminal trespass on certain land in respect of which the complainant had obtained a decree for possession in the Mamlatdar's Court.

The case was tried by the First Class Magistrate of Belgaum in a summary way under the provisions of Chap. XXII of the Code of Criminal Procedure (Act X of 1882).

The Magistrate convicted the accused under s. 447 of the Indian Penal Code, and sentenced him to a fine of Rs. 25.

The Magistrate's judgment was as follows:—

"The complainant states that the accused prevented his tenants from keeping fuel and rubbish in the place decided by the Mamlatdar to be his, to cause annoyance to him. The witnesses called by the complainant support the complainant. The accused pleads not guilty and has called two witnesses to prove his innocence. The witnesses do not say that the accused has not committed the offence. I, therefore, direct that the accused should pay Rs. 25, or, in default, should undergo rigorous imprisonment for thirty days."

The accused applied to the High Court, under s. 435 of the Code of Criminal Procedure, for a revision of the Magistrate's proceedings.

[98] *Vasudeo G. Bhandarkar*, for the accused.

Chitgupe (with him Messrs. *Chitnis, Motilal and Moulvi*), for the complainant.

JUDGMENT.

CANDY, J.—The Magistrate's "brief statement of the reasons for conviction" (s. 263 (h), Criminal Procedure Code) is simply,—“The witnesses called by the complainant support the complainant. The witnesses (for the accused) do not say that the accused has not committed the offence.” We are of opinion that this is not a compliance with law. We agree with the ruling in *Empress v. Panjab Singh* (1) that a Magistrate under this section in recording his reasons for the conviction should state them so that the High Court on revision may judge whether there were sufficient materials before him to support the conviction. The conviction must, therefore, be set aside, and the fine, if paid, refunded:

Conviction and sentence reversed.

* Application for Revision No. 390 of 1892.

1893

FEB. 18.

CRIMINAL
REVISION.

18 B. 97.