

APPELLATE CRIMINAL.

Before Mr. Justice Jardine and Mr. Justice Starling.

QUEEN-EMPRESS v. HARI SAVBA AND ANOTHER.*

Criminal Procedure Code (Act X of 1882), Sec. 411—Appeal from a conviction by a Presidency Magistrate—Appeal—Practice.

1895,
October 31.

Section 411 of the Code of Criminal Procedure (Act X of 1882) does not allow an appeal in the case of a conviction by a Presidency Magistrate where the sentence inflicted is six months' rigorous imprisonment and a fine of Rs. 125, or in default a further period of three months' rigorous imprisonment.

THIS was an appeal from a conviction by the Chief Presidency Magistrate in the case of *Queen-Empress v. Hari Savba and another*.

The two accused were charged with the offences of cheating and abetment of cheating under sections 417 and 109 of the Indian Penal Code (Act XLV of 1860).

The Chief Presidency Magistrate relying on the evidence of the prosecution convicted both the accused of the offences charged, and sentenced each to six months' rigorous imprisonment and a fine of Rs. 125, or, in default, to a further period of three months' rigorous imprisonment.

Against this conviction and sentence the accused appealed to the High Court.

N. S. Deorukar for the accused.

There was no appearance for the Crown.

PER CURIAM:—The Court is of opinion, following *Schein v. Queen-Empress*,⁽¹⁾ that section 411 of the Code of Criminal Procedure does not allow an appeal in this case. The appeal is barred by section 404.

Appeal dismissed.

Criminal Appeal, No. 315 of 1895.

(1) I. L. R., 16 Calc. 799.