1876. October 16.

CHINNA UMMAYI v. TEGARAI CHETTI.

women to enjoy a monopoly of the gains of prostitution, a right, which on the score of morality alone, no Court could countenance.

The Court would also indirectly be lending its countenance to the traffic in minors for the purposes of prostitution, which the Penal law regards as a serious offence. The cases of *Chalakonda Alasáni* v. *Chalakonda Ratnachalam* (1) and *Kámákshi* v. *Nagaratlinam* (2) relate to rights to property of women of the Dási class. They are not in point.

The dismissal of the suit, therefore, was right, and the appeal must be dismissed with costs.

Appeal dismissed.

JURISDICTION AS COURT OF REVISION.

Before Mr. Justice Holloway, Mr. Justice Innes, and Mr. Justice Kindersley.

PROCEEDINGS, 31ST OCTOBER 1876.

1876. October 31.

REG: v. ADIVIGADU.

Theft in foreign territory—Jurisdiction—Act X of 1872, *Sec.* 67.

The accused stole property in foreign territory and was apprehended with it in his possession in a district in British territory. *Held* that Section 67 of Act X of 1872 did not give the Courts of such district jurisdiction to try him for the theft (3).

REFERENCE by the District Magistrate of Bellary of certain proceedings of the Second-class Magistrate of Hindupúr as contrary to law.

The High Court made the following ruling, in which the facts sufficiently appear:—

THE prisoner in this case has been convicted by the Second-class Magistrate of Hindupúr of the offence of theft under Section 379 of the Penal Code, and has been sentenced to be rigorously imprisoned for six months. The property stolen consisted of a number of asses; the place at which the theft was committed was a village in Mysore; the place at which the prisoner was apprehended with the stolen property was a village in the taluq of Hindupúr (Bellary District).

(1) 2 M. H. C. Rep. 56.

(2) 5 M. H. C. Rep. 161.

(3) See *Reg.* v. *Tukhya Govind*, I. L. R. 1 Bom. 50.

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The Second-class Magistrate was of opinion that the offence being a continuing one he had jurisdiction to try it under the provisions of Section 67 of the Code of Criminal Procedure.

Illustration (*f*) (1) to this section apparently treats a theft completed in one district as continuing in three others to which the stolen property is carried. If this is the meaning, the Magistrate would have had jurisdiction if the theft had been committed in a district within British India and consequently subject to this legislative provision.

In such a case one of our Municipal Courts would have had jurisdiction, and the effect of this rule of procedure would be to give it also to another.

The rule, however, is applicable only to the scope of the relative jurisdictions of Courts in British India and cannot be applied to an offence not committed within the jurisdiction of either of them. Then the general rule applies that a Court trying an offender must have jurisdiction over the place of the delict.

That general rule is often modified by statutes, and, in the present case, if the prisoner was a British subject, jurisdiction might have been given by an observance of the requirements in the first proviso of Section 9 of the Extradition Act (XI of 1872). Those requirements, however, have not been observed, and the result is that the conviction must be set aside for want of jurisdiction.

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(1) Section 67, Criminal Procedure Code, Illustration (*f*) is as follows:—

A steals a buffalo from B in district W, and personally or by his agents conveys the buffalo through districts X and Y into district Z. This is a continuing offence and A may be tried either in W, X, Y, or Z.