

QUEEN-
EMRESS
v.
KETHIGADU.

Under s. 43 of Act, the Magistrate confiscated the "materials" and directed the Forest Ranger to take possession of them.

The Deputy Magistrate, at whose instance the case was referred, was of opinion that as the timber had been converted into huts and was no longer movable property, the order under s. 43 was bad in law.

Counsel were not instructed.

The Court (Muttusámi Ayyar and Parker, JJ.) delivered the following

JUDGMENT:—We are of opinion that logs of wood, when they have become part of a house and permanently fastened to a building attached to the earth, have ceased to be timber within the meaning of s. 2 of the Forest Act, and are therefore not liable to attachment under s. 43 of that Act.

The order for confiscation must be set aside.

APPELLATE CRIMINAL.

Before Mr. Justice Muttusámi Ayyar and Mr. Justice Parker.

KOTTALANÁDA, PETITIONER,

against

MUTHAYA AND OTHERS, RESPONDENTS.*

1886,
April 16.

Cattle Trespass Act, s. 20—Criminal Procedure Code, s. 4 (a), s. 250—Illegal seizure of cattle under the Cattle Trespass Act, not an offence within the meaning of the Code of Criminal Procedure.

In a case instituted upon complaint made under s. 20 of the Cattle Trespass Act, the Magistrate acquitted the accused, and being of opinion that the complaint was vexatious, directed the complainant to pay compensation to the accused as under s. 250 of the Code of Criminal Procedure:

Held, that the act complained of was not an offence within the meaning of the Code of Criminal Procedure, and that the order awarding compensation was illegal.

APPLICATION under ss. 435, 439 of the Code of Criminal Procedure to quash an order of the Second-class Magistrate of Tenkasi awarding compensation under s. 250 of the Code of Criminal Procedure to the defendant in case No. 70 of 1885. In that case Kottalanáda Pillai preferred a complaint against

* Criminal Revision Case 21 of 1885.

Muthaya Pillai and others, under s. 20 of the Cattle Trespass Act, of illegal seizure of cattle. KOTTALANÁDA
v.
MUTHAYYA.

The Magistrate having acquitted the defendants, directed the complainant to pay them compensation as for a frivolous complaint.

Mr. Wedderburn for the petitioner referred to *Pitchi v. Ankappa*.(1)

Subramanya Ayyar for respondents.

The Court (Muttusámi Ayyar and Parker, JJ.) delivered the following

JUDGMENT:—We are of opinion that the illegal seizure of cattle is not an offence within the meaning of the Criminal Procedure Code, and therefore set aside the order awarding compensation, and direct the refund of the money.

APPELLATE CIVIL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice, and
Mr. Justice Parker.*

RÁMÁ (PLAINTIFF), PETITIONER,

and

KUNJI AND ANOTHER (DEFENDANTS), RESPONDENTS.*

1886.
April 2, 6.

*Legal Practitioners' Act, ss. 27, 28, 30—Suit by Pleader to recover fee from client—
Contract Act, s. 70—Civil Procedure Code, s. 622.*

The Legal Practitioners' Act does not debar a pleader from recovering a fee from his client when no contract in writing is made.

A Small Cause Court having dismissed a suit brought by a pleader to recover from his client a fee claimed for the conduct of a suit, on the ground, that such a suit would not lie, because it was based on an oral contract and such contract could not be enforced by reason of the provisions of the Legal Practitioners' Act, the High Court under s. 622 of the Code of Civil Procedure reversed the decree of the Small Cause Court.

APPLICATION under s. 622 of the Code of Civil Procedure to set aside the decree of V. P. DeRozario, Subordinate Judge of South Malabar at Palgat, in Small Cause Suit No. 596 of 1885.