

## APPELLATE CIVIL—FULL BENCH.

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

## REFERENCE UNDER STAMP ACT, s. 49.\*

1889.  
Sept. 16.

*Stamp Act, s. 3—Bond.*

R. executed a document, by which he promised to pay on demand Rs. 10-12-0 with interest to S.R. The writer of the document and some others signed the document as witnesses :

*Held*, that the document was a bond and liable to stamp duty as such.

CASE referred to the High Court under Stamp Act, 1879, s. 49, by the District Munsif of Kavali, through C. Ramachandra Ayyar, Acting District Judge of Nellore.

The question referred for determination by the High Court was whether or not the following instrument, which bore a one-anna stamp only, should have been stamped as a bond :—

“Bond executed by Ithadi Ramudu in favor of Swarna Ramanna on the 2nd Sudha, Palguna of the year Parthiva.

“The debt due up to date under the prior bond according to the settlement effected with you this day is Rs. 10-12-0, in words rupees ten and annas twelve. Interest on this is at 12 annas per Rs. 100 per month. I bind myself to pay you the principal and interest at this rate whenever you may make a demand for it. This is the bond passed with my free will and consent in the hand of Nandayanam Venkatasami.

“× Mark of RAMUDU.

“ *Witnesses.*

“(Signed) BANDI RAMASAMI.

“(Signed by mark) SWARNA CHINNA VENKATACHALLAM.

“(Signed by mark) SUBHAYA, son of  
SWARNA KOTAPPA.”

The District Munsif was of opinion that the instrument was a bond, and in his statement of the case he referred to *Reference*

\* Referred Case No. 7 of 1889.

REFERENCE  
UNDER STAMP  
ACT, s. 49.

under *Stamp Act*, s. 49(1), *Pattat Ambadi Marar v. Krishnan*(2), *Negotiable Instruments Act*, s. 46, and Proceedings of the Board of Revenue, No. 1434, dated 24th April 1884.

Counsel were not instructed.

JUDGMENT.—We reply to the reference that the document is a bond, See *Reference under Stamp Act*, s. 49(1), and section 3 of the Stamp Act.

## APPELLATE CRIMINAL.

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

QUEEN-EMPRESS

v.

RAMAYYA AND OTHERS (PETITIONERS)\*

*Penal Code*, ss. 97, 146—*Self-defence*—*Rioting*—*Unlawful distraint*.

A landlord who had not tendered to his tenant such a patta as the latter was bound to accept under the Madras Rent Recovery Act, distrained his cattle for arrears of rent, the assistance of the Police having been procured for the purpose. The tenant, with the assistance of eleven other persons, forcibly obstructed the removal of the cattle which had already been actually seized and driven for some yards. They were charged with the offence of rioting and convicted :

*Held*, that the conviction was right.

PETITION under Criminal Procedure Code, ss. 435, 439, praying the High Court to revise the proceedings of the Additional Deputy Magistrate of Kistna in criminal appeal No. 72 of 1888, presented against the convictions of petitioners under Penal Code, s. 146, by the Second-class Magistrate of Bandar town in calendar case No. 579 of 1888.

The accused preferred this revision petition.

*Pattabhiramayyar* for petitioners.

The facts of the case appear sufficiently for the purpose of this report from the following

JUDGMENT:—The facts found are that the complainant, the landlord, had distrained the moveable property of first accused (his

(1) I.L.R., 10 Mad., 158.

(2) I.L.R., 11 Mad., 290.

\* Criminal Revision Case No. 299 of 1889.