

If the learned Judges who decided *Bachha Jha v. Jugmon Jha*(1) under the Mithila law intended it to be understood that in all cases under the Mitakshara the husband's kinsmen are preferred to the father's kinsmen, I am unable to agree with them.

[In compliance with the above order the Subordinate Judge submitted a finding which was to the effect that "the plaintiff is entitled to succeed to the property of Sunandamma as her marriage was in one of the approved forms namely *brahma*, and as the plaint property was given to her by her husband as *stridhanam*." He also found that "they belong to the Vysia sect of the Jains."

The second appeal having come on for rehearing, their Lordships accepted the finding and dismissed the second appeal with costs.]

BRAHMAPPA  
†.  
PAPANNA.

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## APPELLATE CIVIL.

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

SUBUDHI (DECREE-HOLDER),

v.

SINGI (JUDGMENT-DEBTOR).\*

1889.  
September 6.

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*Civil Procedure Code, s. 342—Period of imprisonment of judgment-debtor.*

The Court cannot fix any period for the imprisonment of a judgment-debtor under Civil Procedure Code, s. 342.

CASE referred for the decision of the High Court under section 617 of the Code of Civil Procedure, by V. Lakshminarasimham Pantulu, District Munsif of Berhampore, as follows :—

"In the execution of small cause suit No. 808 of 1888 (execution petition No. 1142 of 1888 on the file of my Court), the judgment-debtor, Samapalata Singi, was arrested for decree debt at the instance of the decree-holder Andayarapu Domburu Subudhi and committed to the civil jail to be imprisoned for a period of six weeks, from 27th November 1888, the term having been fixed by the Court at its discretion as in some other cases. But before

(1) I.L.R., 12 Cal., 384.

\* Referred Case No. 4 of 1889.

SUBUDHI  
SINGI.

the expiration of the term, the decree-holder applied to the Court to prolong the period of imprisonment for two months more, stating that the debtor could be imprisoned for a period of six months, as the amount of debt exceeded Rs. 50.

"Although the matter is a simple one, I am compelled to make the reference as it is a point which I have constantly to deal with and as the question seems to have been never decided before."

Counsel were not instructed.

JUDGMENT:—The Court has no authority to fix any term of imprisonment. On arrest, the judgment-debtor, if he fails to pay the amount decreed and costs, is committed to jail. He can only be released therefrom under the provisions of section 341. If none of these conditions are fulfilled before the expiry of six months in the one case, or six weeks in the other, the judgment-debtor remains in jail the full time.

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## APPELLATE CRIMINAL.

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

QUEEN-EMPRESS

*v.*

OOLAGANADAN.\*

1889.  
September  
12, 16.

*Criminal Procedure Code, s. 261—Police Act (Act XXIV of 1859), s. 48—“Conservancy clauses”—Jurisdiction of a Bench of Magistrates.*

Offences under Police Act, s. 48, are within the cognizance of a Bench of Magistrates.

CASE referred for the orders of the High Court under section 438 of the Code of Criminal Procedure by E. Gibson, District Magistrate of Tanjore.

The Acting Government Pleader (*Subramanya Ayyar*) for the Crown.

The facts of the case and the arguments adduced on it appear sufficiently for the purpose of this report from the judgment.

JUDGMENT:—The accused has been convicted by the Bench of

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\* Criminal Revision Case No. 343 of 1889.