

come to is that the fund was properly taxed under sch. A, class 1 (B). The result is that the decision of the Magistrates is right.

Solicitors for Jennings—*Branson & Branson*.

Solicitors for the Municipal Commissioners—*Barclay & Morgan*.

JENNINGS
v
THE
PRESIDENT,
MUNICIPAL
COMMISSION,
MADRAS.

APPELLATE CRIMINAL.

Before Mr. Justice Kernan and Mr. Justice Brandt.

QUEEN-EMPRESS

against

ELLA BOYAN.*

1887.
August 9.

Penal Code, s. 330—Causing hurt to constrain a person to satisfy a demand.

E.B., in order to constrain his wife to satisfy his demand that she should return to his house, voluntarily caused hurt to her. He was convicted under s. 330 of the Indian Penal Code :

Held, on appeal, that the conviction under that section was bad.

APPEAL against the sentence of C. W. W. Martin, Sessions Judge of Salem, in Calendar Case No. 19 of 1887.

The facts appear sufficiently for the purpose of this report from the judgment of the Court (Kernan and Brandt, JJ.).

The prisoner was not represented.

The Acting Public Prosecutor (Mr. Powell) for the Crown.

JUDGMENT.—The Judge convicted the prisoner under s. 330 of the Indian Penal Code of causing hurt in order to constrain the wife to obey a demand of the prisoner to return to his house and sentenced him to five years' rigorous imprisonment. We, however, do not think such a demand is within s. 330, which apparently refers to some demand in respect of property.

However, the prisoner cut, though slightly, his wife, with an instrument for stabbing or cutting within s. 324.

We reverse the conviction and sentence under s. 330, and convict him under s. 324 and sentence him to three years' rigorous imprisonment.

* Criminal Appeal No. 154 of 1887.