

APPELLATE CIVIL.

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

SRINIVASA AYYANGAR (COUNTER-PETITIONER), APPELLANT,

v.

QUEEN EMPRESS.

1898.
October 5.

Letters Patent, s. 15—Appeal to two Judges—Sanction to prosecute granted by one Judge.

Where one Judge exercising the revisional jurisdiction of the High Court, in reversal of an order of a First-class Magistrate, had granted sanction under Criminal Procedure Code, s. 195, for a prosecution under Penal Code, s. 182, an appeal was preferred from his judgment under Letters Patent, s. 15 :

Held, that no appeal lay, that section of the Letters Patent being inapplicable in cases of criminal jurisdiction.

APPEAL under Letters Patent, s. 15, from the judgment of Mr. Justice Best in criminal revision case No. 152 of 1893.

In that case his Lordship, in exercise of the revisional jurisdiction of the High Court, reversed an order of the First-class Sub-divisional Magistrate of Mannargudi and granted sanction under Criminal Procedure Code, s. 195, for the prosecution of the counter-petitioner for an offence under section 182, Penal Code. The counter-petitioner preferred the present appeal under Letters Patent, s. 15.

Parthasaradhi Ayyangar for appellant.

JUDGMENT.—The clause of the Letters Patent to which the petitioner refers has nothing to do with criminal jurisdiction. It does not, therefore, justify the appeal. The case of *Navivahoo v. Narotamdas Candras*(1) has been cited. This point, however, is only mentioned incidentally and does not seem to have been considered. * We are unable to agree with the decision. Section 195 of the Criminal Procedure Code is also inapplicable.

The petition is therefore dismissed.

* Letters Patent Appeal No. 25 of 1893.

(1) I.L.R., 7 Bom., 5.