

APPELLATE CRIMINAL.

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

QUEEN-EMPRESS

v.

VENKATARAM JETTI.*

Criminal Procedure Code—Act X of 1882, s. 11—Sentence imposed in British India postponed till expiry of a sentence imposed in Mysore.

It is competent to a Magistrate in British India to pass a sentence which should take effect after the expiration of a sentence in Mysore.

CASE reported for the orders of the High Court under section 438 of the Code of Criminal Procedure by H. Bradley, District Magistrate of Coimbatore.

A person, who was undergoing a sentence of six years' rigorous imprisonment in the jail at Mysore, was tried by the Tahsildar-Magistrate of Kollegal in Calendar Case No. 135 of 1891 for the offence of theft in a building, and was convicted and sentenced to six months' rigorous imprisonment to take effect after the expiry of the sentence which he was undergoing in the Mysore Jail. The District Magistrate entertained a doubt as to whether it was legal for the sentence imposed in a British Court to be postponed until the prisoner had served out in a foreign jail a sentence imposed in a foreign Court. He accordingly reported the case for the orders of the High Court as above.

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

ORDER.—We think it was competent to the Magistrate to pass a sentence which should take effect at the only time when it could take effect, viz., after the expiration of the sentence in foreign territory.

We therefore decline to interfere.