

1882
 MONOHUR
 LALL
 v.
 GOURL
 SUNKUR.

profits were brought. Here, the suit for mesne profits was brought first. But this difference is immaterial, so far as the question of construction of ss. 7 to 10 is concerned. We are, therefore, of opinion that the contention of the appellant is not valid. We, therefore, dismiss the appeal with costs.

Appeal dismissed.

APPELLATE CRIMINAL.

Before Mr. Justice Wilson and Mr. Justice O'Kinealy.

1882
 August 31.

THE EMPRESS v. HURRO KOLE.*

Jurisdiction—Appeal—Revision—Offence committed out of British India.

The High Court has no power, either by way of appeal or revision, to interfere with a sentence passed by the Superintendent of the Tributary Mehals when exercising jurisdiction over offences committed in Mohurbunj, a place not situated within the limits of British India.

Empress v. Keshub Mahajun (1); and *Hursees Mahapatro v. Dinabundhu Patro* (2), referred to.

In this case the appellant, Hurro Kole, was charged with murder by intentionally causing the death of one Ghashye Kole on the 6th October 1881, at Higli, in Mohurbunj. The prisoner was tried and convicted by the Superintendent of the Tributary Mehals, at Balasore, on the 1st of March 1882, and sentenced to transportation for life. He thereupon appealed to the High Court.

No one appeared to argue the case.

The judgment of the Court (WILSON and O'KINEALY, JJ.) was delivered by

WILSON, J.—This is an appeal from a conviction by the Superintendent of the Cuttack Tributary Mehals. The offence was committed in Mohurbunj. The accused is a native of Mohurbunj. The trial took place at Balasore. It has been decided by a Full Bench that Mohurbunj is not a part of British India—*The*

* Criminal Appeal No. 166 of 1882, against the order of A. Smith, Esq., Superintendent, Tributary Mehals, Cuttack, dated the 1st March 1882.

(1) I. L. R., 8 Calc., 985.

(2) I. L. R., 7 Calc., 529.

Empress v. Keslub Mohajan (1). The Superintendent of Tributary Mehals and his Assistant exercise jurisdiction over offences committed in those mehals, including Moburbunj, under regulations and instructions which were examined in the case just referred to and in *Hursee Mahapatro v. Dinabundhu Patro* (2).

We have not now to consider whether the jurisdiction as exercised is in accordance with law or not, but only whether we have any power to interfere with the decision of the tribunal. We think this Court has no such power, either by way of appeal or of revision. The Letters Patent now in force (those of 1865) by s. 27, make this Court a Court of Appeal "from the Criminal Courts of the Bengal Division of the Presidency of Fort William and from all other Courts subject to its superintendence." Those words, according to the well-known rule of construction, must mean British Indian Courts, that is to say Courts established in and for British India. Section 28 makes the Court "a Court of reference and revision from the Criminal Courts subject to its appellate jurisdiction." This section, therefore, carries the case no further. The Criminal Procedure Code gives an appeal to this Court only from Sessions Judges and certain other specified officers, all of whom are British Indian officers and exercise their functions in and for British India. The revisional powers given by the Code are likewise limited to the Courts subordinate to this Court, which, for the reasons already pointed out, must be restricted to British Indian Courts. This appeal must be rejected on the ground that we have no power to entertain it.

Appeal dismissed.

(1) I. L. B., 8 Calc, 985.

(2) I. L. B., 7 Calc., 528.

1882

THE
EMPRESS
v.
HURRO
KOLH.