

## APPELLATE CIVIL.

*Before Mr. Justice Kumaraswami Sastri and  
Mr. Justice Wallace.*

SADAKA MUHAMMAD ABDUL RAHIM SAHIB,  
PETITIONER (APPELLANT),

1927,  
October 26.

v.

M. HAYATH BATCHA SAHIB AND ANOTHER (RESPONDENTS),  
RESPONDENTS. \*

*Letters Patent, cl. 15 (as amended)—Judgment—Appeal—  
Application for stay of execution, pending a civil revision  
petition—Dismissed by a single Judge—Order, whether  
appealable—Jurisdiction, whether appellate or revisional.*

All orders passed on interlocutory applications in civil revision petitions filed in the High Court, are dealt with by the High Court in the exercise of its revisional jurisdiction, and consequently orders passed by a single Judge of the High Court on such applications are not appealable under clause 15 of the amended Letters Patent.

APPEAL against the order of CURGENVEN, J., passed on Civil Miscellaneous Petition No. 2000 of 1927, praying for stay of execution of the decree of the District Munsif of Tiruppattur in Original Suit No. 322 of 1923, pending disposal of Civil Revision Petition No. 672 of 1927 in the High Court.

The material facts appear from the judgment.

*P. G. Krishna Ayyar* for appellant.

*K. V. Ramachandra Ayyar* for respondent.

## JUDGMENT.

This is an appeal against an order of CURGENVEN, J., refusing to stay execution in a civil revision petition filed under section 115 of the Code of Civil Procedure and section 107 of the Government of India Act.

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\* Letters Patent Appeal No. 287 of 1927.

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The first question is whether a Letters Patent Appeal would lie against the order. Clause 15 of the Letters Patent, as it is now amended, expressly states that there is no appeal against an order made in the exercise of the High Court's revisional jurisdiction. It is conceded that no appeal would lie against an order passed by the High Court in the revision petition itself. It seems to us, then, that there can be no appeal against any interlocutory orders passed in the revision petition. Where a civil revision petition is filed and interlocutory applications are made in the civil revision petition for reliefs, the High Court can only act in its exercise of revisional jurisdiction in dealing with these applications. It is difficult to see how an appeal would lie having regard to the express provisions of the Letters Patent which preclude appeals against orders passed in the exercise of revisional jurisdiction. There is no authority for the proposition that the orders on applications filed in a civil revision petition filed under the revisional jurisdiction of the High Court are passed in the exercise of its appellate jurisdiction and that it is only the final order passed in the revision petition that is passed in the exercise of its revisional jurisdiction. It is difficult to see how there can be any application apart from the civil revision petition filed in the High Court as a party could not without filing a civil revision petition in the High Court ask for stay of execution of the decree in the lower Court. The authorities as regards the appealability of orders passed in revisional jurisdiction prior to the amendment of the Letters Patent offer us no help whatever. The very object of the amendment was to put an end to appeals from orders passed by the High Court in its revisional jurisdiction. We think it is clear that all orders passed in applications in civil revision petitions are dealt with by the

High Court in the exercise of revisional jurisdiction and that orders passed in the exercise of that jurisdiction are not appealable under the Letters Patent.

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The appeal fails and is dismissed with costs.

The petition for stay (C.M.P. No. 3590 of 1927) also is dismissed with costs. One set.

K.R.

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## APPELLATE CRIMINAL.

*Before Mr. Justice Ramesam and  
Mr. Justice Jackson.*

*In re* MANIARA KUPPATHAN ALIAS KUPPAN  
(ACCUSED), APPELLANT.\*

1927,  
June 17.

*Criminal Rules of Practice, R. 195 and 196—R. 195 if a rule of law—R. 196—Object and policy of—Questions suggested in R. 196 (2)—Desirability of putting them.*

Rule 195 of the Criminal Rules of Practice which prohibits village magistrates from reducing to writing any confession or statement whatever made by an accused person after the police investigation had begun is not a rule of law, but is merely a rule for the guidance of village magistrates, such statement if recorded is admissible in evidence.

The whole object and policy of Rule 196 of the Criminal Rules of Practice which requires a magistrate to put certain questions to the accused before recording a confession, is that a magistrate should satisfy himself that there has been no compulsion by the police or ill-treatment, so as to raise the suspicion that the statement of the accused is not a voluntary one and so long as the spirit of the rule is satisfied, it is undesirable that questions such as are suggested in the second clause of the rule should be put.

APPEAL against the order of the Court of Session of the North Arcot Division in Case No. 43\* of the Calendar for 1926.