

of the nature of the application of 28th May, 1875, is supported by a decision of a Bench of this Court dated 22nd ult., in miscellaneous special appeal No. 64 of 1877, *Banki Behari*, appellant v. *Musammât Rahsi*, respondent.

1877

HUSAIN  
BAKSHI  
v.  
A. D. MADGI

We reverse the lower appellate Court's order of 20th June last, and, decreeing the appeal with costs, direct that the application be allowed and proceeded with.

*Appeal allowed.*

## APPELLATE CRIMINAL.

1877  
December 7.

*Before Mr. Justice Pearson and Mr. Justice Turner.*

EMPRESS OF INDIA v. SALIK.

*Act XLV of 1860 (Indian Penal Code), s. 211—False Charge.*

To constitute the offence of making a false charge, under s. 211 of the Indian Penal Code, it is enough that the false charge is made and that the charge is not pending at the time of the offender's trial. *The Queen v. Subbanna Gaundan* followed (1).

THIS was an appeal to the High Court by the Local Government against a judgment of acquittal passed by Mr. J. W. Power, Sessions Judge of Ghazipur, dated the 8th September, 1877, reversing a judgment of conviction passed by Mr. A. E. C. Casey, Assistant Magistrate of the first class, dated the 1st August, 1877.

As this case merely follows *Reg. v. Subbanna Gaundan* (1) already followed in *Empress of India v. Abul Hasan* (2), it is not reported in detail.

## CRIMINAL JURISDICTION.

1877  
December 15.

*Before Mr. Justice Spinkie.*

MUTHRA v. JAWAHIR AND OTHERS.

*Public Ferry—Act XLV of 1860 (Indian Penal Code), ss. 138, 441—Criminal Trespass—Regulation VI of 1819, s. 6—Disobedience to order duly promulgated by Public Servant—Act VIII of 1851.*

A person plying a boat for hire at a distance of three miles from a public ferry cannot be said, with reference to such ferry, to commit "criminal trespass," within the meaning of that term in s. 441 of the Indian Penal Code (3).

(1) 1 Mad. H. C. Rep. 30.

(2) I. L. R., 1 All. 497.

(3) As to "criminal trespass" on a right of fishery in a public river, see *The Empress v. Charu Nayiak*, I. L. R. 2 Cal. 354.