

CRIMINAL MOTION.

Before Mr. Justice Bitter and Mr. Justice Agnew.

DARSUN LALL *v* JUMUK LALL.*

1885
November 23. *Criminal Procedure Code, 1882, s. 437—Power of Sessions Judge to order further inquiry.*

A Sessions Judge is not competent under s. 437, Criminal Procedure Code, to direct the re-opening of the proceedings, merely because in his opinion the Subordinate Magistrate has not rightly appreciated the credit due to the witnesses. "Further inquiry," under that section means the taking of additional evidence, not the re-hearing of the same evidence.

THIS case merely followed the interpretation put on s. 437 of the Criminal Procedure Code in the cases of *Chundi Ohurn Bhuttachanjea v. Hem Chunder Banerjee* (1); *Jeebunkeristo Roy v. Slib Chunder Dass* (2); and *Queen-Empress v. Amir Khan* (3).

Baboo *Koruna Sindhu Mookerjee* for the petitioner.

Baboo *Kashi Kanto Sen* for the opposite party.

J. V. W.

SMALL CAUSE COURT REFERENCE.

Before Sir Richard Garth, Knight, Chief Justice, and Mr. Justice Wilson.

J. HIPPOLITE *v* C. STUART AND ANOTHER.†

1886
January 29. *Married Woman's Property Act (III of 1874), ss. 8, 9—Restraint on anticipation—Transfer of Property Act (IV of 1882), s. 10.*

Section 8 of Act III of 1874 extends to the separate property of a married woman subject to a restraint upon anticipation.

Section 10 of the Transfer of Property Act merely excepts from the general rule laid down in that section, the particular case of a married woman, and does not give to a restraint upon anticipation any greater force than it had before the passing of the Act, but merely preserves to it the effect it had previously, leaving the Married Woman's Property Act of 1874 and the decisions upon it untouched.

*Criminal Motion No. 372 of 1885, against the order of J. M. Kirkwood, Esq., Sessions Judge of Patna, dated 30th July 1885.

† Small Cause Court Reference No. 7 of 1885, made by A. O. Acworth, Esq., Officiating Judge of Calcutta Court of Small Causes, dated the 2nd October 1885.

(1) I. L. R., 10 Calc., 207.

(2) I. L. R. 10 Calc., 1027.

(3) I. L. R., 8 Mad., 336.