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from his reasonings and conclusions. That decision has also been dissented from in the case of *Queen-Empress* v. *Abdul Rahiman* (1). It has also been contended here that even if the Sessions Judge had power to make the order that the accused be committed to his Court for trial, we ought to set aside that order because it was obviously made with the intention that a heavier sentence should be imposed in the Sessions Court in case of a conviction than had been imposed by the Magistrate. We find nothing in s. 423 of Act No. X of 1882 to limit the power of the Sessions Judge to do any of the acts which he as an appellate Court is empowered to do by sub-cl. 1 of cl (*b*) of s. 423. Although we dismiss this application in revision, we consider that it was a most proper case for the Public Prosecutor to bring before the Court in order to settle the procedure.

Before Sir John Edge, Kt., Chief Justice, and Mr. Justice Aikman.

1893
April 27.

QUEEN-EMPRESS *v.* NARAIN.

Act V of 1876 *s.* 22—*Government Notification* (*India*) *No.* 173 *of the* 14*th March* 1889—*Sentence*—*Reformatory School.*

Where a boy over fourteen, but otherwise of uncertain age, was ordered upon conviction by a Magistrate, to be detained in a Reformatory School for two years. *Held* that such sentence, having regard to the rule made by the Governor-General in Council on the 14th of March 1889, under s. 22 of Act No. V of 1876, was illegal. The proper course for the Magistrate to have adopted with reference to the above-mentioned rules was to have ascertained as near as might be the exact age of the offender and sentenced him to a specified period of detention which should be that elapsing between his conviction and the attainment by him of the age of eighteen years.

This was an application on behalf of Government for revision of an order passed by the Assistant Magistrate of Meerut. The facts of the case sufficiently appear from the judgment of the Court.

The Public Prosecutor (*Mr. A. Strachey*) for the applicant.

EDGE, C. J., and AIKMAN, J.—Narain was convicted of an offence under s. 379 of the Indian Penal Code, and was sentenced to six months' rigorous imprisonment by a Magistrate of the first class.

(1) I. L. R., 16 Bom. 580.

In the judgment of that Magistrate Narain was under the age of 16 years and was a proper person to be an inmate of a Reformatory School. The Magistrate, acting under Act No. V of 1876, directed that Narain, instead of undergoing the sentence of six months' rigorous imprisonment, should be sent to a Reformatory School and should be there detained for a period of two years. The Magistrate found that Narain was fourteen years of age, but did not find how much beyond fourteen years of age he was. Under s. 22 of Act No. V. of 1876, the Governor-General in Council on the 14th of March 1889, made the following rule:—"No boy shall be sent to a Reformatory School, if under ten years of age, for a less period than seven years, if over ten years of age, for a less period than five years, unless he shall sooner attain the age of eighteen years." That rule was published in Notification No. 173 in part I, of the Gazette of India on the 16th of March 1889, at page 151. The intention of the rule is clear, the manner in which the intention is expressed is not, as it does not provide, except by implication, what shall be the term for which a boy over the age of thirteen should be sent to a Reformatory School. The sentence must be plain and complete in itself, so that the officer who has to act under the warrant may know exactly for what period the person sentenced may be legally detained. In the present case a direction that Narain should be detained in a Reformatory School for a period of five years unless he should sooner attain the age of eighteen years, would not, it appears to us, be a legal sentence, as it would leave it to the officer in charge of the Reformatory School to determine when the sentence would expire otherwise than by reference to the warrant. We, for want of information as to the precise age of the boy, cannot amend the order of the Magistrate. We set aside the order directing Narain to be detained in the Reformatory School for two years, and we direct the Magistrate to ascertain what was the precise age of the boy at the date of his order, and to make an order that he be detained for such period as would be equivalent to the period intervening between Narain's then age and eighteen. As the prisoner is already in the Reformatory, the order

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will be so worded that the period will run from the date of the original order and will determine on the date, which must be specified, on which the prisoner will attain the age of eighteen. The period of detention must be clearly expressed in the warrant.

APPELLATE CRIMINAL.

1893
April 29.

Before Sir John Edge, Kt., Chief Justice, and Mr. Justice Aikman.

QUEEN-EMPRESS v. SOSHI BHUSHAN.

Act XLV of 1860 *ss.* 463, 464, 470, 471, 23, 24, 25, 29—*Using forged document—False certificate of attendance at law lectures—"Claim"—"Property."*

The term "claim" in s. 463 of the Indian Penal Code is not limited in its application to a claim to property.

The term "property" in the same section will cover a written certificate.

It is not necessary to constitute a forgery under s. 463 of the Indian Penal Code that the property with which it is intended that the false document shall cause a person to part should be in existence at the time when the false document was made. *Queen-Empress* v. *Haradhan* (1) dissented from. *Queen-Empress* v. *Appasami* (2) and *Queen-Empress* v. *Ganesh Khanderao* and *Ganesh Daulat* (3) approved.

One S. B. presented to the Principal of Queen's College, Benares, a false certificate purporting to have been granted by the Principal of Canning College, Lucknow, to the effect that he had attended a certain proportion of a certain first year course of law lectures delivered at Canning College, S. B. in fact never having attended such lectures. Had that certificate been a true one it would have entitled S. B. to attend a further course of law lectures at any one of several associated institutions, amongst which was Queen's College, Benares, without attending or paying the fees for the first course of lectures.

On presentation of the above certificate S. B. obtained permission to attend, and attended, a course of second year lectures at Queen's College, Benares, without attending or paying the fees required for the first year course. After S. B. had attended the above mentioned second year course of lectures at Queen's College, Benares, he again presented the said false certificate to the Principal of Queen's College with a view to his obtaining a consolidated certificate, which was necessary, as he alleged, to enable him to become a candidate in the Judge's Court pleadership examination in Calcutta.

Held that on both occasions, when he presented the false certificate to obtain admission to the second year law class at Queen's College, Benares, and again

(1) I. L. R. 19 Calc. 380. (2) I. L. R. 12 Mad. 151.
(3) I. L. R. 15 Bom. 506.