

S. 191 gives the general rule that "any" offence may come to the cognizance of the Criminal Court: (a) by complaint of individuals, (b) by police report, (c) or by other informations. But this rule is specially limited by s. 195, which prohibits the prosecution of certain specified offences, except (a) on the complaint of certain Courts, or (b) on sanction given to individuals by such Courts. In the latter case, the individual would proceed to lay his complaint under s. 191; in the other case, the Court contemplated by s. 195 would take action by way of "complaint," and the procedure to be followed by such Court is prescribed in Chapter XXV, s. 476, referred to by my learned brother Straight.

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ISHRI PRASAD
v.
SHAM LAL

*Before Sir W. Comer Fetheram, Kt., Chief Justice, Mr. Justice Straight,
Mr. Justice Bredhurst, and Mr. Justice Tyrrell.*

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SURTA AND OTHERS (PETITIONERS) v. GANGA AND OTHERS
(OPPOSITE PARTIES)*

*Civil Procedure Code, s. 206—Order amending decree—High
Court's powers of revision.*

A District Judge, by an order passed under s. 206 of the Civil Procedure Code, altered a decree passed by his predecessor in the terms, "I dismiss the appeal," to read "I accept the appeal," on the ground that his predecessor had obviously meant to say he accepted the appeal, and that the decree as it stood failed to give effect to the judgment.

Held by the Full Bench that an order passed under s. 206 of the Civil Procedure Code constituted an adjudication separate from that concluded by a decree under the Code passed after the parties had been heard and evidence taken, and that the order in the present case was therefore a separate adjudication, and was not appealable under s. 588. Also that, in saying that by "dismiss," his predecessor had meant "decree," the Judge had altered the decree in a manner not warranted by the terms of s. 206, that he had therefore exercised his jurisdiction "illegally and with material irregularity," within the meaning of s. 622 of the Code, and that the High Court was consequently competent to reverse his order.

The judgment of OLDFIELD, J., (1) reversed, and that of MAHMOOD, J., (1) affirmed.

THIS was an application by the plaintiffs in a suit, for revision, under s. 622 of the Civil Procedure Code, of an order amending the appellate decree in the suit, passed by the District Judge of Saharanpur. The application was heard by Oldfield and Mah-

* Appeal No. 1 of 1885, under s. 10, Letters Patent.

(1) *Ante*, p. 412.

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mood, JJ, and the facts of the case, and the judgments of the learned Judges, will be found reported at p. 411, *ante*. Their Lordships differed in opinion, Oldfield, J., holding that the application should be dismissed, on the ground that the Court had no jurisdiction to entertain it, and Mahmood, J., holding that it should be allowed. An appeal was preferred by the applicants to the Full Court, from the judgment of Oldfield, J., under s. 10 of the Letters Patent for the N.-W. Provinces.

Pandit *Ajudhia Nath* and Munshi *Kashi Prasad*, for the appellants.

Babu *Ram Das Chakarbat*i and Munshi *Ram Prasad*, for the respondents.

The following judgments were delivered by the Full Bench :—

PETHERAM, C. J.—For the reasons stated in the judgment of Mr. Justice Mahmood, I am of opinion that this application must be allowed with costs.

STRAIGHT, BRODHURST, and TYRRELL, JJ., concurred.

Before Sir W. Comer Petheram, Kt., Chief Justice, Mr. Justice Straight, Mr. Justice Brodhurst, and Mr. Justice Tyrrell.

RAGHUNATH DAS (PETITIONER) V. RAJ KUMAR (OPPOSITE PARTY) *

Civil Procedure Code, ss. 206, 622—Order amending decree in respect of court-fee in pre-emption suit—High Court's powers of revision.

An order as to costs, contained in a decree for pre-emption, directed that the pleader's fees should be calculated with reference to the value of the claim as set forth in the plaint. Subsequently the Court, professing to act under s. 206 of the Civil Procedure Code, passed an order directing the amendment of the decree by calculating the pleader's fees upon the actual value of the property.

Held by the Full Bench that the alteration of the decree was improper, and was not an amendment of the kind authorized by s. 206 of the Civil Procedure Code.

An order passed under s. 206 amending a decree is a separate adjudication, and is not merely a part of the original decree, and such an order is not appealable under s. 588 of the Code. Such an order, therefore, can be revised by the High Court, under s. 622.

The judgment of OLDFIELD, J., (1) reversed, and that of MAHMOOD, J., (2) affirmed.

* Appeal No. 3 of 1885, under s. 10, Letters Patent.
(1) *Ante*, p. 277. (2) *Ante*, p. 278.

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