

## REVISIONAL CRIMINAL.

*Before Sir John Edge Kt, Chief Justice and Mr. Justice Burkitt.*

GAURI SHANKAR v. MATA PRASAD.\*

*Act No. XIII of 1859 (Fraudulent Breaches of Contract by Workmen)  
Section 1—Criminal Procedure Code Section 83—Warrant.*

Held that section 83 of the Code of Criminal Procedure is applicable to warrants issued under Act No. XIII of 1859. *Queen Empress v. Kattayan* (1) followed.

THIS was a reference made under section 438 of the Code of Criminal Procedure by the District Magistrate of Mirzapur. The complainant applied for warrants under section 1 of Act No. XII of 1859, for the arrest of men to whom he had advanced money for shellac operations, and who were at the time of his so applying resident in Ranchi in the Bengal Presidency. The Magistrate, being in doubt as to whether such warrants could be sent under section 83 of the Code of Criminal Procedure for execution to a Magistrate outside his jurisdiction, made this reference. The following order was passed:—

EDGE, C. J. and BURKITT, J.—We hold the same opinion as that expressed by the High Court at Madras on a similar reference in *Queen Empress v. Kattayan* (1). Section 83 of the Code of Criminal Procedure is in our opinion applicable to warrants issued under the provisions of Act No. XIII of 1859.

## APPELLATE CIVIL.

*Before Mr. Justice Blair and Mr. Justice Aikman.*

FAZAL HUSEN (DECREE-HOLDER) v. RAJ BAHADUR (OBJECTOR).†

*Act, No. XV of 1877 (Indian Limitation Act) Sch. II, Art. 179—Execution of decrees—Limitation—Starting point of limitation where appeal has abated.*

Held that the order of an appellate Court abating an appeal, because no representative of the appellant was on the record, was not the "final order or

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\* Criminal Revision No. 597 of 1897.

† Second Appeal No. 804 of 1895 from a decree of Babu Jai Lal, officiating Subordinate Judge of Farrukhabad, dated the 5th April 1895, modifying a decree of Khan Zada Muhammad Musharraf Ali Khan, Munsif of Kayanganj, dated the 2nd June 1894.

(1) I. L. R., 20 Mad., 235.