

Procedure Code, the depositions made by Jujhar Singh in the preliminary inquiry, whatever my own opinion may be of their truth.”

On appeal from the convictions under section 395 of the Indian Penal Code the question of the admissibility of the statement of the accomplice Jujhar was discussed.

The Officiating Government Advocate (Mr. A. E. Ryves) for the Crown.

The Court (STRACHEY, C. J., and KNOX, J.) held that there was nothing in the previous rulings of the Court which would make inadmissible, under section 288 of the Code of Criminal Procedure, the statement of the approver made before the Magistrate.

1899

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 QUEEN-  
EMPERESS  
v.  
SONBU.

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## REVISIONAL CRIMINAL.

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1899

January 4.

*Before Sir Arthur Strachey, Kt., Chief Justice, and Mr. Justice Knox.*

QUEEN-EMPRESS v. LALIT TIWARI AND OTHERS.\*

*Rules of Court of the 18th January 1898, rule 83—Finality of judgment or order of the High Court—Judgment or order not complete until sealed*

*Held* that a judgment or order of the High Court is not complete until it is sealed in accordance with Rule 83 of the Rules of Court of the 18th January 1898, and up to that time may be altered by the Judge or Judges concerned therewith without any formal procedure by way of review of judgment being taken.

A reference asking for an enhancement of sentence being before a Judge of the High Court, the Judge wrote an order declining to interfere, and signed and dated it. Subsequently, on the same day, the Judge reconsidered that order and erased it, substituting therefor an order calling upon certain convicts to show cause why the sentences passed upon them should not be enhanced. When the case came up for disposal on the return of the notice to show cause, Mr. Amiruddin, for the persons called upon, contended that the Judge had no power to change the order which had been originally written and signed by him, except on

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\* Criminal Reference No. 666 of 1898.

1899

QUEEN-  
EMPRESS  
v.  
LALIT  
TIWARI.

application for review of such order. On this point the Court (STRACHEY, C. J., and KNOX, J.), held that, having regard to the rules of the Court, a judgment was not complete until it was sealed, and that until a judgment was sealed it might be altered by the Judge concerned without the necessity of having recourse to any formal procedure by way of review of judgment.

1899

January 5.

## APPELLATE CIVIL.

*Before Mr. Justice Burkitt.*

BALLI RAI AND OTHERS (DEFENDANTS) v. MAHABIR RAI (PLAINTIFF) \*  
*Court fee—Act No. VII of 1870 (Court Fees Act), section 5; Sch. ii, Art 11  
—Letters Patent, section 10—Appeal from an order of remand under  
section 562 of the Code of Civil Procedure.*

*Held that in an appeal under section 10 of the Letters Patent from an order of a single Judge of the Court remanding a case under section 562 of the Code of Civil Procedure the proper court fee is Rs. 2.*

THIS was a reference to the Taxing Judge of the Court under section 5 of the Court Fees Act, 1870. An appeal had been filed under section 10 of the Letters Patent from an order of a single Judge of the Court remanding a case under section 562 of the Code of Civil Procedure, and the memorandum of appeal was stamped with a court fee stamp of Rs. 2. On this memorandum of appeal being laid before the stamp reporter of the Court, the following report was made:—

“ 1 stamp Rs. 2.

“ In time up to 15th September 1898.

“ This is an appeal under section 10 of the Letters Patent from the judgment of the Hon'ble Mr. Justice Banerji remanding the Second Appeal No. 531 of 1897, under section 562 of the Code of Civil Procedure.

“ The appellants pay Rs. 2 only as court fee. The question is, whether a court fee of Rs. 2 paid is sufficient. The valuation of this appeal is Rs. 240, so also was that of the Second Appeal, on which an *ad valorem* fee of Rs. 18 was paid.

\* Appeal No. 25 of 1898 under section 10 of the Letters Patent.