

1909

GANPAT
RAO
v.
ANANT
RAO.

dispensing with the certificate. The learned Judges go on to point out that counsel for the respondent had abandoned his point as to the property in Mahur contained in the five deeds of sale. They also treated the houses in Mahur and the Poona District as covered by the reasons given in regard to the remainder of the 440 acres included in the decree and partitioned.

Their Lordships see no reason to differ from these conclusions. The result is that in Their Lordships' opinion the appeal fails and should be dismissed with costs, and they will humbly advise His Majesty accordingly.

Appeal dismissed.

Solicitors for the appellant:—*T. L. Wilson & Co.*

Solicitors for the respondent:—*Pyke Parrott & Co.*

J. V. W.

REVISIONAL CRIMINAL.

Before Mr. Justice Tudball.

EMPEROR v. BALDEO SINGH.*

Act No. XI of 1878 (Indian Arms Act), section 4—Definition—Ammunition—Empty cartridge cases

Held that Indian empty cartridge cases are ammunition within the meaning of section 4 of the Indian Arms Act, 1878. *King-Emperor v. Ibrahim* (1) followed.

IN this case one Baldeo Singh was convicted by a Magistrate and fined Rs. 5, under section 19 (f) of the Arms Act, 1878, for being in possession of certain empty cartridge cases which had already been used for firing. Against his conviction and sentence Baldeo Singh applied in revision to the Sessions Judge, who referred the case to the High Court under section 438 of the Code of Criminal Procedure, being of opinion that the empty cartridge cases were not ammunition within the meaning of the Acts.

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

The applicant was not represented.

TUDBALL, J.—One Baldeo Singh has been convicted under section 19 (f) of the Arms Act and sentenced to pay a fine of

* Criminal Reference No. 664 of 1909.

(1) (1905) 7 Bom., L. R., 474.

Rs. 5, in that he was in possession of certain empty cartridge cases, which had already been used for firing. The Officiating Sessions Judge of Mainpuri has referred the case to this Court, because in his opinion such empty cartridge cases do not fall within the definition of ammunition in section 4 of the Arms Act. The only ground which he gives for his opinion is a Punjab Ruling to be found at page 134 of Hawkins' Arms Act (2nd edition). I cannot possibly agree with the opinion expressed by the Officiating Sessions Judge of Mainpuri. It requires but the insertion of a percussion cap to make a cartridge case fit for future use. Gunwads are specifically included within the definition of ammunition, and to hold that cartridge cases were not part of ammunition would in my opinion lead to an absurdity. This point was considered by a Bench of the Bombay High Court in *King-Emperor v. Ibrahim Alibhoj* (1). It was there held that an empty cartridge case fell within the definition of ammunition. I fully agree with the opinion expressed therein. The case is not one which calls for any interference by this Court as the fine imposed is a small one. Let the record be returned.

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 v.
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Record returned.

Before Mr. Justice Sir George Knox and Mr. Justice Karamat Husain.

EMPEROR v. RAM PIYAR.*

Criminal Procedure Code, sections 345 (2) and 439—Revision—Power of High Court in revision to give leave to compound.

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 December 7.

Held that the High Court can in the exercise of its powers of revision under section 439 of the Code of Criminal Procedure give leave for the composition of an offence under section 325 of the Indian Penal Code.

THIS was a reference made by the Additional Sessions Judge of Aligarh recommending that a compromise should be allowed in a case in which one Musammat Ram Piyari had been convicted under section 325 of the Indian Penal Code and sentenced to one month's simple imprisonment.

The reference coming in the first instance before Richards, J., was referred to a Bench of two Judges under the following order:—

"This is a reference from the Additional Sessions Judge of Aligarh suggesting that a compromise might be accepted in a certain criminal case. I may

* Criminal Reference No. 673 of 1909.

(1) (1905) 7 Bom., L. R., 474.