

1883

SHAM  
KARAN  
v.  
PIART.

The application which is the subject of this appeal was made by the decree holder on the 28th November 1881, to recover the amount due to him with reference to the above arrangement by imprisonment of the judgment-debtor. The question raised in this appeal is whether the application is barred by limitation; and if it is to be regarded as an application to which art. 179 applies, it is undoubtedly barred. But agreements made to give time for the satisfaction of a decree, with the sanction of the Court, are agreements which can be given effect to by the Court executing the decree; and this has been now recognized by s. 257A, Civil Procedure Code, as amended by Act XII of 1879, and the effect of the former proceedings in execution was, that the Court sanctioned the arrangement which the parties entered into, and the execution then in progress was deferred, but liable to be again proceeded with if the judgment-debtor made default in paying instalments, and the present application of the decree-holder may be regarded as one to enforce the agreement rather than an application for execution of the decree in its strict sense to which art. 179 would be applicable. It will come under art. 178, and time will run from the date of default, and the application is within time. The principal which we are applying to the decision of this case has been recognized in other cases—*Ragubans Gir v. Sheosaran Gir* (1) and *Kalyanbhai Dipchand v. Ghanashamlal Jadunathji* (2)

We decree the appeal with costs, and set aside the order of the lower appellate Court, and remand the case to be disposed of on the merits.

*Appeal allowed.*

## APPELLATE CRIMINAL.

*Before Mr. Justice Brodhurst.*

EMPRESS v. PARAHU.

*Act XLV of 1860 (Penal Code), s. 211—False charge.*

Where no criminal proceeding is instituted on a false charge of an offence of the nature described in the latter part of s. 211 of the Indian Penal Code, the person making such charge is punishable only under the first part of that section.

(1) I. L. R., 5 All., 243. (2) I. L. R., 5 Bom., 29.

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May 22.

THIS was an appeal from a conviction by Mr. R. J. Leeds, Sessions Judge of Gorakhpur, dated the 19th February 1883. The appellant was convicted under s. 211 of the Penal Code, and sentenced to transportation for seven years. The charge against him was that, with intent to cause injury to one Udit Narain, he had falsely charged him with committing murder, knowing that there was no just ground for such charge. It appeared that the appellant presented a petition to the District Superintendent of Police, in which he alleged that a serious offence had been committed regarding which he would give information; and that he subsequently made a statement to the police in which he accused Udit Narain of murder. On inquiry by the police the charge was found to be false; and criminal proceedings were subsequently instituted against the appellant on the charge on which he was convicted.

The appellant was not represented.

BRODHURST, J.—The evidence on the record leaves no room for doubt as to the prisoner's guilt; but it appears that in this case no criminal proceeding was instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards, and therefore, in accordance with several rulings of Judges of this Court (1), and in which I concur, the accused was punishable only under the first part of s. 211, Indian Penal Code. The sentence consequently is modified, being reduced to two years' rigorous imprisonment and to a fine of Rs. 50, or, in default of payment, to a further term of six months' rigorous imprisonment.

## APPELLATE CIVIL.

*Before Mr. Justice Straight and Mr. Justice Tyrrell.*

SHANKAR DAS (PLAINTIFF) v. JOGRAJ SINGH AND OTHERS  
(DEFENDANTS.)\*

1883  
May 28.

*Hindu Law—Joint Hindu family—Execution of bond by father on minor son's behalf—Registration of bond without the minor being represented—Act III of 1877 (Registration Act), s. 35—Minor son's right in ancestral property.*

At the registration of a bond executed by H and B, and by H on behalf of J, a minor, the minor was not represented for the purpose of registration by any one

\* First Appeal, No. 25 of 1882, from a decree of Mirza Abid Ali Beg, Subordinate Judge of Mainpuri, dated the 24th December 1881.

(1) See *Empress v. Pitam Rai*, ante., p. 215.