

legal order, that is, an order of refusal or of absolute sanction in respect of his notice, they are deemed to have sanctioned the proposed "house" absolutely. On the above findings section 242-A also has no application at all. The Commissioners have therefore no right to interfere with the erection of the verandah and rooms so long as it is in accordance with the plaintiff-appellant's notice under section 237(1).

1921

BRIDDERARI
LAL
v.
CHAIRMAN
OF THE
MUNICI-
PALITY,
DALTOINGANT

Suit decreed.

REVISIONAL CRIMINAL.

Before Coutts and Macpherson, J.J.

MIR TILAWAN

v.

KING-EMPEROR.*

1921.

August, 2.

Code of Criminal Procedure, 1898 (Act V of 1898), section 342—accused not examined after examination of prosecution witnesses—written statement filed after examination of defence witnesses—Revision.

Where the accused persons were not examined under section 342 of the Code of Criminal Procedure, 1898, after the examination of the prosecution witnesses, but they filed written statements at that stage and also after the examination of the defence witnesses, *held*, that the accused not having been prejudiced, and there having been no miscarriage of justice, the High Court would not interfere in revision.

The facts of the case material to this report are stated in the judgment of the Court.

W. H. Akbari (with him *Lakshmi Kant Jha*), for the petitioners.

Kulwant Sahay, Government Pleader, for the Crown.

COUTTS AND MACPHERSON, J.J.—This is an application in revision in regard to an order of the Sessions

* Criminal Revision No. 334 of 1921, against an order of F. G. Rowland, Esq., Sessions Judge of Muzaffargarh, dated the 25th June, 1921, affirming an order of P. T. Mansfield, Esq., Subdivisional Magistrate of Sitamahi, dated the 28th May, 1921.

1921

MIR
TILAWAN
v.
KING-
BARRIOR.

Judge of Muzaffarpur. The petitioners were convicted by the Subdivisional Officer of Sitamarhi under section 143, Indian Penal Code, and sentenced to 14 days' rigorous imprisonment and a fine of Rs. 20 each; one of the petitioners was also ordered to give security to keep the peace under section 103, Criminal Procedure Code. On appeal to the Sessions Judge the convictions and sentences have been upheld.

The first point urged in support of this application is that the provisions of section 342, Criminal Procedure Code, have not been complied with inasmuch as the accused were not examined after the prosecution witnesses had been examined, cross-examined and re-examined. It appears that they filed written statements not only at that stage of the proceedings but after the defence witnesses had also been examined and cross-examined and discharged. It is clear therefore that the accused have not been prejudiced and on this account there has been no miscarriage of justice. In these circumstances we see no reason to interfere on this ground in revision.

APPELLATE CIVIL.

Before Coulls and Macpherson, J.J.

CHHAUDHURI SHYAM NARAIN SINGH

v.

SHIWCHARAN SAHU.*

Chota Nagpur Tenancy Act, 1908 (Bengal Act VI of 1908), sections 157, 224, 227 and 228—suit against several tenants collectively—appeal by one, where lies—Ex-parte decree, what amounts to—order reversing suit decreed ex-parte, appeal from.

Where a rent suit is brought against several tenants or sets of tenants collectively under section 240 of the Chota Nagpur

* Appeal from Appellate Decree, No. 399 of 1919, from a decision of C. H. Reid, Esq., Judicial Commissioner of Chota Nagpur, dated the 1st February, 1919, confirming a decision of Maulavi Ali Karim, Munsif-Deputy-Collector of Palamanu, dated the 21st December, 1914.

1921.

August, 3.