

1919
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 RAMJI DAS
 v
 THE CROWN.

refused under the section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate, and clause 7 goes on to provide for the Court of appeal in matters coming under the section when an appeal from the refusing or sanctioning authority lies to more than one Court. Sub-clause (c) to clause 7 also provides for the Court when no appeal at all lies ordinarily from the sanctioning or refusing authority. None of these sub-clauses provide for an appeal from an order of a Judge in chambers of the late Chief Court, and we hold in consequence that no appeal does lie. This appeal or application is therefore dismissed.

Appeal dismissed.

CRIMINAL REFERENCE.

Before Mr. Justice Scott-Smith.

1919
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 Nov. 22.

THE CROWN *versus* RAHMAN.

Criminal Reference No. 1140 of 1919.

Criminal Procedure Code, Act V of 1898, section 341—accused who does not understand proceedings—case reported to High Court—proper action.

Held, that the usual practice in cases reported to the High Court under section 341 of the Code of Criminal Procedure, is to refer the matter to the Local Government, but where the offence is a minor one the Court may sentence the accused to a term of imprisonment or discharge him.

Empress v. Gahna (1), *Crown v. Dost Muhammad* (2), *Queen v. Bowka Hari* (3), *Atu Ram v. Empress* (4) and Criminal Revision No. 1501 of 1915 (unpublished), referred to.

The accused was sleeping at the shrine of Shah Jahangir next to the complainant. During the night the latter felt someone touching the fold of his loin cloth and seized the hand of the accused. Complainant had Rs. 2 in the fold of his cloth. Accused was found guilty of an offence under section 379-511, Penal Code, and the case was referred to the High Court under section 341, Criminal Procedure Code, for orders.

(1) 37 P. R. (Cr.) 1889.
 (2) 13 P. R. (Cr.) 1911.

(3) (1874) 22 W. R. 95 (Cr.).
 (4) 34 P. R. (Cr.) 1885.

Case referred by B. N. Bosworth-Smith, Esquire, Deputy Commissioner, Gujranwala, with his letter No. 2541, dated 16th August 1919.

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THE CROWN
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RAHMAN.

SCOTT-SMITH, J.—I am satisfied from the evidence that Rahman has been rightly convicted of an attempt to commit theft.

In serious cases reported under section 341, Criminal Procedure Code, it is usually the practice to refer the matter to the Local Government,—see *Crown v. Dost Muhammad* (1), following *Empress v. Gahna* (2), but in Criminal Revision No. 1501 of 1915 the Chief Court sentenced the accused to five years' rigorous imprisonment. In the case of a minor offence the accused is sometimes discharged as in those reported as *Queen v. Bowka Hari* (3), and *Atu Ram v. Empress* (4).

Here the offence is a very petty one and accused has been in the lock-up for over three months since the date of his conviction.

I sentence him to three months' simple imprisonment to count from the date of his conviction, the result of which will be that he will now be set at liberty.

Reference accepted.

(1) 13 P. R. (Cr.) 1911.

(2) 37 P. R. (Cr.) 1889.

(3) (1874) 22 W. R. 35 (Cr.).

(4) 34 P. R. (C.) 1885.