

contain any discussion on the subject. Following the rule enunciated in *Crown v. Ahmad Bakhs* (1), I set aside the order of the District Magistrate, dated the 16th June 1926, and direct him to try the appeal on the merits.

N. F. E.

*Revision accepted.*

**REVISIONAL CRIMINAL.**

*Before Mr. Justice Campbell.*

MUHAMMAD, Petitioner

*versus*

THE CROWN, Respondent.

Criminal Revision No 1469 of 1926.

*Restriction of Habitual Offenders (Punjab) Act, V of 1918, section 7—Order for restrictions must conform to Government rules.*

Under section 7 of Punjab Act V of 1918, the petitioner was ordered by a Magistrate to be restricted for three years within the boundaries of his village, not to leave his house at night between 8 P.M. and 5 A.M., and to report himself daily to the Sub-Inspector of Police at Miani Police Station, 2½ miles distant from his village.

*Held*, that the order directing the petitioner not to leave his house at night was not in conformity with the rules made by the Local Government under section 16 of the Act and must be set aside.

*Application for revision of the order of A. C. Macnabb, Esquire, District Magistrate, Shahpur, at Sargodha, dated the 23rd July 1926, affirming that of Mian Muhammad Nasir-ud-Din, Magistrate, 1st class, Sargodha, dated the 22nd June 1926, ordering that the movements of the petitioner be restricted for three years, etc.*

TARA SINGH, for Petitioner.

SUNDAR DAS, for Government Advocate, for Respondent.

1926

BIFA  
v.  
CROWN.

SHADI LAL O.J.

1926

Dec. 19.

1926

## JUDGMENT.

MUHAMMAD  
v.  
CROWN.  
CAMPBELL J.

CAMPBELL J.—Under section 7 of Punjab Act V of 1918 the petitioner, Muhammad, son of Raja, has been restricted for three years within the boundaries of the village Daulatpur Khilchi, where he resides. The Magistrate further ordered him to report himself daily to the Sub-Inspector, Police, *thana* Miani, at 5 P.M. because, in the opinion of the Magistrate, Muhammad, being the son of one *lambardar*, could not be looked after properly by the other *lambardar*. Muhammad was further directed not to leave his house at night in the main *abadi* of the village Daulatpur between 8 P.M. and 5 A.M. This order was upheld on appeal by the learned District Magistrate and has been brought to this Court on revision.

According to section 7 of Act V of 1918 the order of restriction must conform to the rules made by the Local Government under section 16. Those rules do not empower the Magistrate to confine the petitioner to his house between the hours of 8 P.M. and 5 A.M. He can only be restricted to the area of the village or such larger area as the Court may fix.

*Thana* Miani appears from the learned District Magistrate's order in appeal to be 2½ miles away from the village and the direction for a daily report there is, in my opinion, onerous. I set aside this order and also the order confining the petitioner to his house at night. The order restricting the petitioner to the village Daulatpur Khilchi for three years is maintained, and the daily report will be made to the *lambardar* of the village, who is not the father of the petitioner.

A. N. C.

*Revision accepted in part.*