

1885.

DOSIBÁI
" ISHWARDÁS
JAGJIVANDÁS
AND
ANOTHER.

when the grant is to ensure the rendering of certain services to the State. But in the present case the correspondence which passed between the Collector of Surat and the Governor in Council can leave no doubt that the sole object the Government had in view was to reward Ardesir, on his retirement from the police, for the faithful services he had rendered to Government for many years in that force.

It may be asked, what was the object the Government had in view by inserting the words "as *jághír*" into the grant. It may be that the intention was to reserve to itself a right to *naz-rána*, as was directed to be done by the letter from the Secretary to Government, of 26th May, 1880, to the Collector of Surat; but, however that may be, we think that, having regard to the special language of the *sanad*, which is the most appropriate mode in an English document of conveying an absolute estate in fee simple to the grantee, and also to the object with which the grant was made, the introduction of the words "as *jághír*" was not intended to control the right of alienation inherent in the operative terms of the grant. We must, therefore, confirm the order appealed against, with costs on the appellant, including the costs of the finding on the issue.

Order confirmed.

REVISIONAL CRIMINAL.

Before Mr. Justice Nánábhái Haridás and Sir W. Wedderburn, Bart., Justice.

1885.]

July 8.

QUEEN EMPRESS v. GUJRIA.*

Municipal (Bombay) Act VI of 1873, Secs. 33 and 74—“External alteration”—Opening of a new doorway in a building without notice to municipality.

Opening a new external door is an “external alteration” of the building in which the door is opened, and such act done without the notice to the municipality, contemplated by section 33 of the Bombay Act VI of 1873, is an offence punishable under section 74 of the same Act.

Semle.—Where such act does not cause any inconvenience to any person, light nominal fine is an adequate punishment.

THIS was a reference by H. E. Winter, District Magistrate of

*Criminal Reference, No. 82 of 1885.

Ahmednagar, under section 438 of the Criminal Procedure Code (Act X of 1882).

The reference for the purposes of the report was stated as follows:—

“ In April last one Gujria valad Anáji without obtaining the permission of the Municipality, put a door frame to the west side of his house situated in the Devi's Street in the town of Sanganner, and began to use the doorway. Proceedings were instituted against Gujria by the municipal inspector.

“ The Second Class Magistrate, Ráv Sáheb Rámchandra Bábaji Nachne, who tried the case under sections 33 and 74 of the Bombay District Municipal Act VI of 1873, sentenced the offender to pay a fine of Rs. 2.

“ The words in section 33 of that Act, being ‘ to alter externally or add to’ any existing building, do not, in my opinion, apply to the mere making of a new doorway, which is an act not itself likely to inconvenience persons using the public thoroughfare.

“ The fine has been paid. He was of opinion that the proceedings should be quashed, and the fine returned.”

There was no appearance for the accused or the Crown.

NÁNÁBHÁI HARIDA'S, J.—The District Magistrate to be informed that the opening of a new external door is an external alteration of the building in which the door is opened, and that such an act done without the notice to the municipality, contemplated by section 33 of Bombay Act VI of 1873, is an offence punishable under section 74 of that Act; but as the act complained of in this case is not alleged to have caused any inconvenience to any body, we reduce the sentence to the nominal fine of one anna only. The difference between the fine originally levied and the reduced fine to be repaid to the accused.

1885.

QUEEN
EMPERESS
OF
GUJERA.

