

1864. _____ trust under Sec. 405 of the Penal Code. The facts as found
 Reg. do not constitute a criminal breach of trust; and the matter
 v. in dispute is but of the ordinary description which forms the
 Jāfir Nāik. subject of a civil suit.

PER CURIAM :—The Court reverses the conviction and sentence, and orders the fine if paid to be returned.

—:0:—

1865.
 Jan. 25.

REG. v. POSHU bin DHA'MBA'JI PA'TIL.

Escape from lawful Custody—Obstructing a Public Servant—Ind. Pen. Code, Secs. 186 and 224.

Escaping from lawful custody is not obstructing a public servant in the discharge of his public functions, within the meaning of Sec. 186 of the Penal Code.

THE prisoner was convicted by an Honorary First Class Subordinate Magistrate at Tháná of having, under Sec. 186 of the Penal Code, voluntarily obstructed a public servant in the discharge of his public functions, in running away from the custody of a police peon; and sentenced to pay a fine of Rs. 15, or in default to suffer rigorous imprisonment for twenty days.

The record was called for and reviewed this day by COUCH, NEWTON, and WARDEN, JJ.

PER CURIAM .—The Court reverses the conviction and sentence, and orders the fine if paid to be restored; as the act proved does not constitute the offence charged.

Conviction and Sentence reversed.

NOTE—The charge should have been laid, under Sec. 224, for having escaped or attempted to escape from lawful custody.—ED.