

"I am therefore, of opinion that the proceedings of the Subordinate Magistrate are illegal."

1872.

Reg.

v.

Vaktá
valad
Lakhu.

On the 8th February 1872, the proceedings were considered by Melvill and Kembal, JJ.

PER CURIAM:—The proceedings of the Subordinate Magistrate of Veeramgáon in the case of the said Vaktá Lakhu must be annulled, and the fine, if levied, be returned.

Proceedings annulled.

[APPELLATE CRIMINAL JURISDICTION.]

Feb. 8.

REG. V. DHORI KULLAN.

*Obstructing Public Servant—Refusal of Cart to a Government officer—
Ind. Pen. Code Sec., 186.*

The refusal of a cart-owner to give his cart on hire to a Government officer does not constitute the offence of obstructing a public servant in the discharge of his public functions within the meaning of Sec. 186 of the Indian Penal Code.

THE accused was the owner of a cart. He refused to give it on hire to a Government officer who applied for it. He was, therefore, prosecuted before the first class Subordinate Magistrate of Dholká, in the District of Ahmadabad. The Magistrate convicted him of the offence of obstructing a public servant in the discharge of his public functions, and, under Section 186 of the Penal Code, sentenced him to pay a fine of Rs. 4, or in default, to suffer simple imprisonment for seven days.

The Magistrate of the District of Ahmadabad (A. A. Borradaile) considered the conviction of, and sentence passed upon, the accused to be illegal, and submitted the proceedings for the consideration and orders of the High Court, under Section 434 of the Code of the Criminal Procedure.

The proceedings were considered in Court by Melvill and Kembal, JJ., on the 8th February 1872.

PER CURIAM:—The Court orders that the conviction and sentence passed upon Dhori Kullán be reversed and that the fine, if levied, be returned.

Conviction and sentence reversed.