

1879

HEERALALL  
RUKHIT  
v.  
LALAM SURUN  
LOLL.

agent, and as such had large mercantile and monetary transactions with different persons, and that all such transactions were entered in the books and documents which he had produced, and he contended that the plaintiff was only entitled to inspect such portions of the books as related to specific transactions between himself and the defendant. The plaintiff stated that it was absolutely necessary for him to inspect the whole of the books in order to prove his case against the defendant.

Mr. *Phillips* in support of the rule.

Mr. *Branson* showed cause.

PONTIFEX, J.—I shall appoint an officer of the Court before whom the plaintiff will lay his particulars in confidence as to why he wants to inspect any other part of the books, and he will report, after looking at the books, whether he is able to say whether and in what way any part which the defendant wishes to seal up is material to the case of the plaintiff. Each party will have a week to say what parts he wishes to seal up or inspect.

Attorney for the plaintiff: Mr. *Gregory*.

Attorney for the defendant: *G. C. Ghose*.

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*Before Mr. Justice Wilson.*

GOSTO BEHARY PAL v. JOHUR LALL PAL.

*Evidence—Interrogatories—Practice.*

A party at whose instance interrogatories have been administered must put in the answers as part of his evidence if he wishes to use them at the hearing.

In this case interrogatories had been administered to the defendant at the instance of the plaintiff. At the hearing the question arose whether the plaintiff, if he wished to read the answers to the interrogatories, must put them in as part of his evidence, or might read so much of them as he thought fit.

1879

April 8.

Mr. *Bonnerjee* and Mr. *Trevelyan* for the plaintiff.

Mr. *Woodroffe*, Mr. *Jackson*, and Mr. *Hill* for the defendant.

1879

GOSTO  
BEHARY PAI  
v.  
JOHUR LALL  
PAL.

Mr. *Bonnerjee*.—There is no settled practice as to the way in which interrogatories are to be treated. In the old Supreme Court the party administering interrogatories might read so much of the answers as he thought proper. But if interrogatories are to be treated as commissions, they will form part of the record, and as such the whole will be evidence. Section 147 of the Code treats interrogatories as part of the record; it provides that issues may be framed from allegations in the plaint and written statement, or in answer to interrogatories.

WILSON, J.—Answers to interrogatories are simply affidavits obtained in the way which the Code provides, and the party wishing to use them must put them in as his evidence.

Attorneys for the plaintiff: *Swinhoe, Law, & Co.*

Attorney for the defendant: *G. C. Chunder.*

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## APPELLATE CRIMINAL.

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*Before Mr. Justice Birch and Mr. Justice Mitter.*

IN THE MATTER OF THE PETITION OF CHUNDER NARAIN v. J. G. FAR-  
QUHARSON.\*

1879

March 28.

*Criminal Trespass.*

A, who had been warned off the lands of B, subsequently, having shot a deer near the boundary of B's land, and the deer having run on to B's land, followed it on to such land for the purpose of killing it. *Held*, that his doing so was not a criminal trespass.

THE petitioner in this case had been warned by the complainant, who was the manager of a tea garden, not to come

\* Criminal Motion, No. 22 of 1879, against the order of G. E. McLeod, Esq., Assistant Commissioner of Kamroop, dated the 8th August 1878.