

## APPELLATE CRIMINAL.

*Before Mr. Justice Ainslie and Mr. Justice McDonell.*

1878  
*Jan. 17.*

THE EMPRESS ON THE PROSECUTION OF RAM MANIKYA CHAKRO-  
BUTTY AND OTHERS *v.* DONONJOY BARAJ.\*

*Practice—Distinct Offences—Separate Charges—Criminal Procedure Code—  
(Act X of 1872), ss. 532, 553, 554, Illus. b.—555.*

Section 453 of the Criminal Procedure Code simply places a statutory limit on the number of charges which may legally form part of a single trial. There is nothing in the section, however, to prevent an accused from being separately charged and tried on the same day for any number of distinct offences of the same kind committed within the year.

THE letter of reference showed that the accused was tried and convicted by the Deputy Magistrate in eight cases for extorting various sums of money from some villagers; the complainants in each case being separate individuals. Five out of the eight cases were tried on the same day, and so far as can be gathered from the letter of reference, it would appear that each of these cases were tried separately. Separate sentences were inflicted on each case. The accused appealed to the Court of the District Magistrate, who affirmed the order of the Deputy Magistrate. A further application was then made on behalf of the accused to the Sessions Judge, who referred the matter to the High Court under s. 296 of the Criminal Procedure Code, on the ground that the convictions were bad in law. The alleged offences being of one kind and having been committed within one year, it was not open to the Court, under s. 453 of the Code of Criminal Procedure, to draw charges and try the accused at the same time for more than three of such offences.

No one appeared on the hearing of the reference.

The judgment of the Court was delivered by

AINSLIE, J.—We see no grounds for interfering. S. 453 of the Criminal Procedure Code modifies s. 452, which requires a

\* Criminal Reference, No. 88 of 1877, from the order of F. H. McLaughlin, Esq., Officiating District and Sessions Judge of Noakhally, dated the 7th December 1877.

separate charge and a separate trial for every distinct offence, by allowing three charges of three distinct offences of the same kind and committed within one year of each other to be tried at the same time; but this does not mean that, if at one time or within one year a man commits fifty distinct offences of the same kind, he shall not in one day be prosecuted for more than three such offences. This is clear from illustration (b), s. 454.

1878  
 EMPRESS ON  
 THE  
 PROSECUTION  
 OF RAM  
 MANIKYA  
 CHAKROBUTTY  
 v.  
 DONOJOY  
 BARAJ.

---

## ORIGINAL CIVIL.

---

*Before Mr. Justice Pontifex.*

PESTONJEE EDULJEE GURDUR v. MIRZA MAHOMED ALLY  
 AND ANOTHER.

1878  
 April 8.

*Practice—Joinder—Suit against Drawer and Acceptor of a Bill—Civil  
 Procedure Code (Act X of 1877), s. 29.*

The drawer and acceptor of bills of exchange can be joined as co-defendants in a suit brought by the holder of such bills.

THE plaintiff, as holder of certain bills of exchange drawn and accepted in Calcutta on 17th February 1877, sued the drawer and acceptor thereof to recover the amount due on the bills.

The defendants had not entered appearance, and the case, accordingly, came on as undefended. Notice of dishonour was duly proved.

Mr. *Trevelyan*, for the plaintiff, referred to Byles on Bills, 12th ed., p. 407, and s. 29 of the Code of Civil Procedure, as authority for the joinder of the drawer and acceptor as defendants in the same action.

PONTIFEX, J., was of opinion, that s. 29 permitted such a joinder, and gave a decree for the amount due under the bills against both the defendants.

*Case decreed.*

Attorneys for the plaintiff: Messrs. *Trotman and Watkins.*