

(1906) 10 BOM CK 0014

Bombay High Court

Case No: Criminal Reference No. 71 of 1906

Emperor

APPELLANT

Vs

Dhondi Bapu Bhapkar

RESPONDENT

Date of Decision: Oct. 4, 1906

Acts Referred:

- Criminal Procedure Code, 1898 (CrPC) - Section 35
- Penal Code, 1860 (IPC) - Section 380, 457

Citation: (1906) 8 BOMLR 850

Hon'ble Judges: Heaton, J; Aston, J

Bench: Division Bench

Judgement

1. The offences under Sections 457 and 380 of the Indian Penal Code not being distinct offences (see illustration to Section 35, Criminal Procedure Code) the trying Magistrate's ordinary jurisdiction was not enhanced by the provisions of para 2 and proviso (b) of Section 35, Criminal Procedure Code, and the Magistrate was not competent to pass sentences exceeding in the aggregate two years imprisonment. See Queen Empress v. Malu (1899) 1 Bom. L.R. 142 : ILR 23 Bom. 706. We alter the two separate sentences to one of two years rigorous imprisonment.