

RAM SINGH *ats.* POLICE.

[Appellate Jurisdiction (Corrie, C.J.) October 25, 1943.]

Appeal against sentence—Court will endeavour to ensure that sentences conform to common standard.

Three convictions were entered against the appellant all arising from the sale of a bottle of illicitly distilled spirits to a native woman. The convictions and sentences were as follows:—

(1) Supplying liquor to a native. Fined £25 (in default six weeks imprisonment).

(2) Selling liquor without a licence. Fined £30 (in default two months imprisonment).

(3) Possession of spirits on which the full duty had not been paid. Fined £100 (in default six months imprisonment).

APPEAL against sentence.

S. *Hasan* for the appellant.

A. G. *Forbes* for the respondent.

CORRIE, C.J.—In exercising its jurisdiction as a Court of Criminal Appeal, this Court must seek, so far as possible, to maintain throughout the Colony a common standard of sentences. Clearly there cannot be an automatic sentence for each offence, but where it appears on the record that the offence committed is one of a common type with no unusual features, then the Court does endeavour to ensure that the sentence shall conform to the common standard of sentence for offences of that kind in the Colony.

The case before us is one of now only too common a kind, and there were, so far as the record discloses, no unusual facts.

Taking the matter as a whole, and bearing in mind that the accused has also been convicted and sentenced—and rightly convicted and sentenced—upon two charges under the Liquor Ordinance, I think the sentence imposed in respect of the offence under the Distillation Ordinance 1877 was somewhat severe.

The sentences on the first and second charges are therefore confirmed. The sentence on the third charge is reduced to a fine of £50 or, in default, six months imprisonment with hard labour.

CHANDASAMI AND ORS *ats.* POLICE.

[Appellate Jurisdiction (Corrie, C.J.) November 17, 1943.]

Prosecution for assault—summary procedure—complaint made by police officer—Police officer appears for prosecution.

An information for assault was laid by a police officer and the prosecution was conducted by him. No evidence was called that this action had been authorised by the injured party.