

Present: Mr. Justice Grenier.

Nov. 18, 1909

JAYASINGHE v. SIYADORIS APPU.

P. C., Hatton, 8,327.

False information to police officer—False charge—Penal Code, ss. 180, 208—Jurisdiction of Police Magistrate.

A person giving false information to a police officer to the effect that another person had committed theft of certain articles should be charged under section 208 of the Penal Code, and not under section 180. A Police Magistrate has no jurisdiction to try the offence.

A PPEAL from a judgment of the Police Magistrate of Hatton. The accused-appellant gave false information to Police Constable Jayasinghe that one Deonis had committed theft. Deonis was prosecuted by the police, but was acquitted. Thereupon the accused was charged under section 180 and convicted. He appealed.

Elliott, for the appellant.—The facts disclose an offence which falls under section 208. The Police Magistrate has no jurisdiction to try such offences. Counsel relied on P. C., Trincomalee, 2,347.¹

Cur. adv. vult.

November 18, 1909. GRENIER J.—

The appellant was convicted under section 180 of the Penal Code for giving false information to Police Constable Jayasinghe to the effect that Paterarege Deonis had committed theft of certain articles. A charge of theft was accordingly preferred by the Police Constable against Deonis, and after inquiry by the Magistrate he was acquitted.

A preliminary objection was taken by Mr. Elliott to the conviction of the appellant, on the ground that he should not have been charged with an offence punishable under section 180, but that he should have been charged under section 208, an offence under the latter section being triable only by the District Court.

Mr. Elliott referred me to P. C., Trincomalee, case No. 2,347,¹ in which Layard C.J. sustained a similar objection. I agree with the *ratio decidendi* of that case, and would set aside the conviction and sentence and acquit the accused.

Appeal allowed; accused acquitted.

¹ S. C. Min. June 15, 1905, reported in 13 N. L. R. 10.