

1896.
February 26.

FERNANDO v. FERNANDO.

P. C., Colombo, 41,098.

Voluntarily causing hurt with a knife—Necessity of trial by Supreme Court where wound is serious.

In a prosecution in the Police Court for voluntarily causing hurt with a knife, the medical evidence recorded showed that the wound inflicted was a clean cut, an inch long and an inch broad, the skin being slit open for some twelve inches.

Held, that the case was one of so serious a nature that it should not have been tried by a Police Magistrate even with the consent of the accused, and that it was one for trial by the Supreme Court.

THE plaint in this case charged the accused with voluntarily causing hurt to the complainant by stabbing him with a folding knife on his shoulder. The medical evidence recorded showed the wound to be a punctured wound, an inch long and an inch broad; the skin was slit open for some twelve inches; it was a clean cut.

The Police Magistrate being of opinion that the offence might be disposed of summarily, the accused consented to be tried summarily. After evidence taken and recorded the Magistrate found the accused guilty under section 315 of Penal Code, and sentenced him to one year's rigorous imprisonment.

On appeal, *Dornhorst* appeared for the accused.

26th February, 1896. BONSER, C.J.—

This is a case of so serious a nature that it should not be heard by a Police Magistrate even with the consent of the accused. It is one for trial in the Supreme Court.

The proceedings had by the Police Magistrate are accordingly quashed, and he is directed to take proceedings with a view to the committal of the appellant for trial by the Supreme Court.
