

1913

Present: Wood Renton A.C.J.

POLICE SERGEANT *v.* PANDWELA.

753—P. C. Kandy, 885.

Village Tribunal—Failure to report a case of rinderpest—First offence—Contagious Diseases (Animals) Ordinance, No. 25 of 1909—Is jurisdiction of Village Tribunal exclusive ?

The jurisdiction of a Village Tribunal to try a first offence under section 11 of Ordinance No. 25 of 1909 is not exclusive ; the Police Court has concurrent jurisdiction.

THE facts are set out in the judgment.

Bartholomeusz, for the appellant.

Garvin, Acting S.-G., as *amicus curiae*.

October 27, 1913. WOOD RENTON A.C.J.—

The accused-appellant was charged in this case under section 11 of Ordinance No. 25 of 1909 with having failed to report to the authorities a case of rinderpest. The learned Police Magistrate convicted him and sentenced him to pay a fine of Rs. 50, or in default to undergo one month's rigorous imprisonment. The objection was

taken at the trial that the case was one of a first offence, and that, therefore, under section 14 of Ordinance No. 25 of 1909, the Village Tribunal had exclusive jurisdiction to try it. The Police Magistrate over-ruled this objection on the ground that section 11 (1) gave concurrent jurisdiction to the Police Court, and he dealt with the case on the merits, with the result above stated. The fact was elicited in evidence that there is a Village Tribunal at Galagedara, of which the accused is a native. There is nothing, however, to show whether the offence was committed within the jurisdiction of the Village Tribunal, or whether, under the powers of section 6 (6) of the Village Communities Ordinance, 1889 (No. 24 of 1889), the inhabitants of the subdivision in which the Village Tribunal of Galagedara is have made any rules for the prevention of cattle disease, for the breach of which the accused could be punished. The case has been disposed of under Ordinance No. 25 of 1909. In my opinion section 14 of that Ordinance has not the effect of giving to every Village Tribunal, within whose jurisdiction a first offence against the Ordinance has been committed, exclusive jurisdiction to try it. Where the Legislature has intended to add to the exclusive powers of Village Tribunals, it has done so by express reference to the section (section 28 of Ordinance No. 24 of 1889) in which those powers are defined. See Ordinance No. 9 of 1896, section 3, and Ordinance No. 3 of 1908, section 3. Section 11 confers on the Police Court general jurisdiction to deal with offences against the Ordinance, and the jurisdiction conferred by section 14 is, in my opinion, concurrent with that of the Police Court, and not exclusive. The Legislature has made it so with good reason. Many of the Village Tribunals throughout the country sit at intervals only. It would be a most serious matter if first offences under the Contagious Diseases (Animals) Ordinance, 1909, requiring, as they do, in the interest alike of the public and of the accused, immediate investigation, had to wait, as in some cases they might have to do, for two or three weeks at a time before they could be brought to trial.

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Appeal dismissed.