

1895.
Sept. 3, 5.

WICKRAMASOORIYA v. APPUSINHO.

P. C., Balapitiya, 14,269.

Appeal—Computation of time—Criminal Procedure Code, s. 406.

In calculating a period within which an act is required to be done, the day from or after which such period is to be commenced is excluded, and the last day of such period included.

ON the 23rd August, 1895, the accused was convicted. He tendered his petition of appeal on the 2nd September, but the Police Magistrate refused to accept and forward it to the Supreme Court on the ground that it was tendered a day too late.

Pereira, for the accused, moved the Supreme Court for an order on the Police Magistrate to transmit the record of the case in appeal to the Supreme Court, in terms of section 409 of the Criminal Procedure Code. He cited *Chitty's Arch. Prac., Q. B. D., vol. II., p. 1435*, and *Young v. Higgon, 6 M. & W. 49*.

Cur. adv. vult.

5th September, 1895. BROWNE, A.P.J.—

When time from, after, or within a certain time of a particular period is allowed to do an act, the first day is excluded (*Chitty's Arch. Prac., vol. II., p. 1435, 14th ed.*). Hence, against a conviction of 23rd August the appeal tendered on 2nd September was in time.

The motion is allowed.