

1897.
March 23.

ABEYEWICKREME v. BABUNAY.

P. C., Matara, 28,098.

Theft of hackery and bull—Separate charges—Irregularity.

The accused were convicted of two separate offences, viz., theft of a hackery and theft of a bull, and were sentenced to undergo different terms of imprisonment for the two offences.

It appeared that the accused stole the hackery and the bull at the same time.

Held, that it was irregular to charge and punish the accused separately for two offences, and that the accused should have been convicted only of one offence.

THERE was no appearance of counsel.

23rd March, 1897. BONSER, C.J.—

In this case the Magistrate has convicted the appellants of stealing a hackery, and sentenced them to various terms of imprisonment and fine. He has at the same time convicted and sentenced them to like punishment for theft of a bull. The evidence is that the bull and cart were stolen at the same time.

The Magistrate, in my opinion, was not justified in treating the theft of the bull and hackery as two distinct offences.

It is much the same as charging a man with stealing a horse and stealing the bridle it was wearing as separate offences.

Let the conviction be amended to a conviction for stealing a bull and hackery, value Rs. 65, and by striking out the punishment for the second charge.
