

1897.

March 2  
and 4.

## / THE QUEEN v. ELIATAMBI.

D. C. (Criminal), Batticaloa, 2,089.

*Pretending to be a public servant—Issuing summons in the name of President of the Village Tribunal—Forgery—Ceylon Penal Code ss. 168 and 455:*

The accused was charged under section 168 of the Penal Code “with having pretended to hold a certain office as a public servant. “viz., the office of the President of the Village Tribunal of Valai-“eravu.” The evidence showed that the accused issued for “service a summons signing it as follows:—“E. Crowther, President of the Village Tribunal.”

*Held*, that the evidence did not disclose an offence under section 168 of the Penal Code, but an offence under section 455, viz., forgery of a document purporting to be a proceeding of a court of justice.

THE facts sufficiently appear in the judgment.

*Dornhorst*, for appellant.

*Dias*, for respondent.

4th March, 1897. LAWRIE, J.—

It is to my mind impossible to find it proved that the accused pretended to hold the office of President of the Village Tribunal of Valaieravu, or that he in such assumed character issued for service a summons.

In my opinion the facts proved would support an indictment for committing the offence under section 455—forgery of a document purporting to be a proceeding of a court of justice—but the accused at no time pretended to be Village Tribunal President, and did no act in such assumed character. I am obliged to set aside this conviction and sentence.