

1902.

December 2.

MISKIN v. PONNIAH.

P. C., Kurunegala, 294.

*Appeal—Certificate of counsel as to matter of law stated in petition of appeal—Criminal Procedure Code, s. 340 (2)—Petition of appeal settled by counsel.*

A petition of appeal (in regard to a sentence of fine of Rs. 10) which appeared to be settled and signed by counsel, without the certificate required by section 340 (2) of the Criminal Procedure Code, that the matter of law stated in the petition is a fit question for adjudication by the Supreme Court, is inadmissible in appeal.

THE accused in this case were convicted by the Police Magistrate of behaving in a riotous and disorderly manner when drunk, under section 23 of Ordinance No. 12 of 1891, and sentenced to a fine of Rs. 10 each.

They applied to the Magistrate for permission to appeal, which was refused.

Their counsel tendered a petition of appeal, without the necessary certificate required by section 340 (2) of the Criminal Procedure Code as to the fact that the matter of law stated in the petition is a fit question for adjudication by the Supreme Court.

*Rāmanāthan, S.-G.*, for the Crown, objected to the hearing of the appeal.

*Dornhorst*, for the appellant, submitted that, as the petition of appeal contained a statement of the matter of law to be argued, and it appeared at the foot of the petition that it was settled by counsel and bore his signature under the words "settled by," the certificate required was virtually given.

2nd December, 1902. GRENIER, A.J.—

Section 340 (2) is quite explicit as to the petition of appeal bearing a certificate that the matter of law stated in the petition is a fit question for adjudication. In the absence of such a certificate the appeal must be dismissed.