

1946

Present : Nagalingam A.J.

FERNANDO, Appellant, and DE SARAM (Inspector of Police),
Respondent.

1,693—*M. C. Balapitiya, 56,581.*

Appeal—Accused in jail—Stay of hard labour pending appeal.

When a person sentenced to a term of rigorous imprisonment has preferred an appeal but remains in prison the necessary instructions should be issued to the prison authorities to stay hard labour pending the appeal.

A PPEAL against a conviction from the Magistrate's Court, Balapitiya.

Accused present in Court.

E. P. Wijetunge, C.C., for the Attorney-General.

December 17, 1946. NAGALINGAM A.J.—

There is one matter to which the attention of the learned Magistrate should be drawn. The petition of appeal in this case was tendered to Court on October 24, 1946, but the jail authorities had not been notified of the fact that the accused had filed a petition of appeal and that hard labour should be stayed till a decision on the appeal is arrived at. In this case nothing has been lost as the appeal has been dismissed. The learned Magistrate should on receipt of a petition of appeal issue the necessary instructions to the prison authorities to stay hard labour pending appeal.

Appeal dismissed.