

1915.

*Present: Wood Renton C.J.**MAJEED v. HENDRICK et al.**631 and 632—P. C. Matara, 9,948.**Jurisdiction of Police Court—Robbery of Rs. 300.*

A Police Court has jurisdiction to try a charge of robbery even where the amount stolen exceeds Rs. 100.

**T**HE facts appear from the judgment.

*A. St. V. Jayewardene*, for the third accused, appellant.

*Keuneman*, for the first accused, appellant.

*Bawa, K.C.*, Acting Solicitor-General for the Crown.

July 1, 1915. WOOD RENTON C.J.—

The learned Police Magistrate has dealt with the appellants in these cases, who were charged with robbery under section 380 of the Penal Code, as Additional District Judge. The point taken in support of the appeals is that he could not do this since he had jurisdiction to deal with the case himself. The amount alleged to have been stolen is Rs. 300; and if the charge had been one of theft, the Police Magistrate would have had no jurisdiction to try it if the property alleged to have been stolen exceeded Rs. 100 in value. But by a strange omission the schedule to the Criminal Procedure Code imposes no limitation as to value upon the jurisdiction of Police Courts in the case of charges of robbery. It was argued that theft is an element in the offence of robbery, and that, therefore, the limitation imposed by the Legislature in the case of charges under section 367 should be read into charges under section 380 of the Penal Code. This is an alluring argument, and I was strongly tempted at one time to give effect to it. But I do not think that it would be right to do so. The element of extortion as well as of theft may form part of the offence of robbery, and the entire silence of the Legislature in dealing with the latter offence is one that cannot be got over by judicial interpretation. It seems to me, however, that the law calls urgently for amendment in this respect. It is certainly a curious result that a man who steals Rs. 105 must be tried by the District Court, or by a Police Magistrate acting in his capacity of District Judge; while a man may be tried summarily by the Police Court for the robbery of a lakh of rupees. The convictions and sentences must be quashed, and the case sent back to the Police Court to be dealt with according to law.

*Proceedings quashed.*