

Clifford and others - - - - - *Petitioners.*

v.

The King-Emperor - - - - - *Respondent.*

FROM

THE CHIEF COURT OF LOWER BURMA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL ON PETITION FOR SPECIAL LEAVE
TO APPEAL, DELIVERED THE 17TH NOVEMBER 1913.

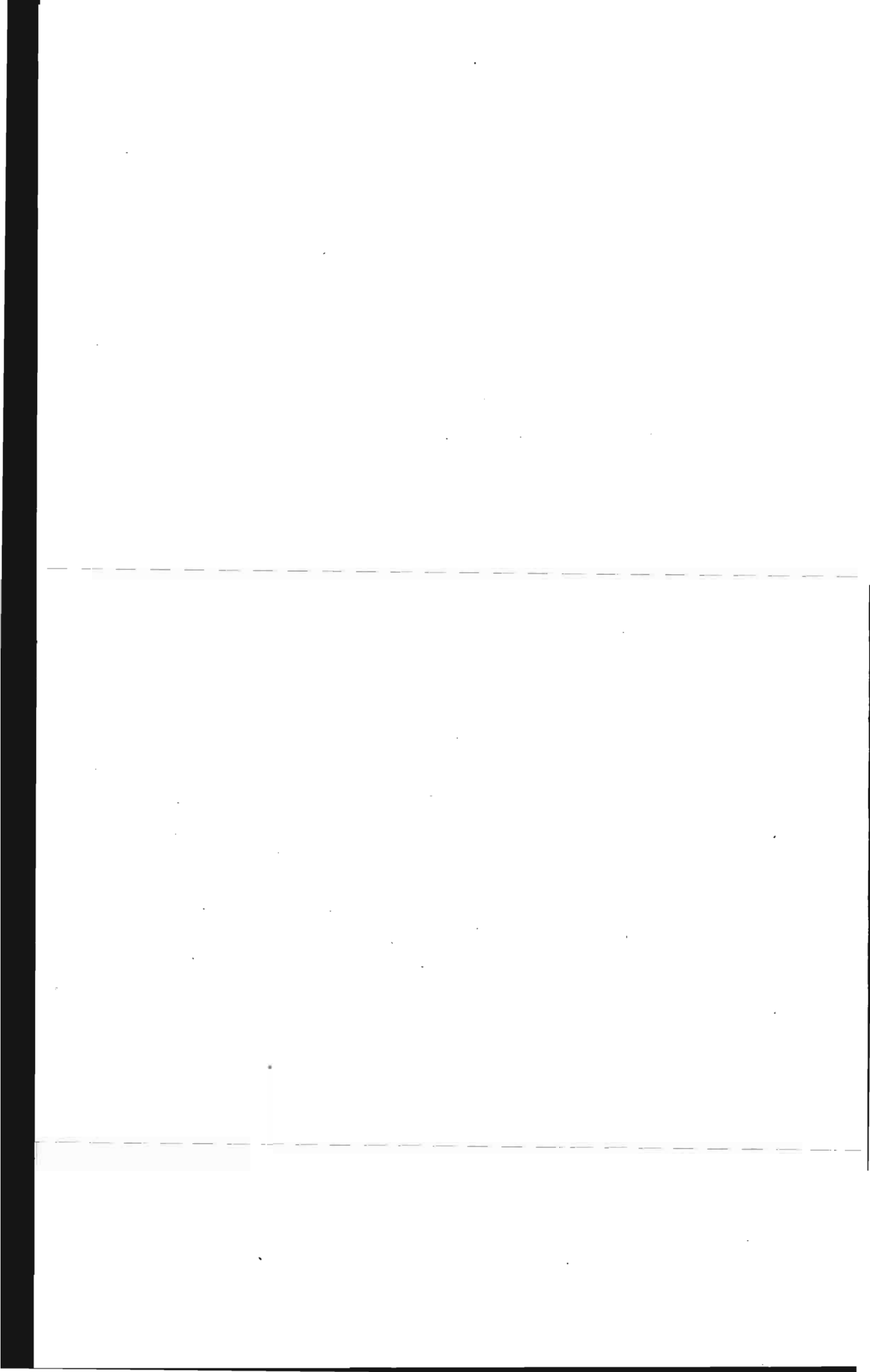
Present at the Hearing :

THE LORD CHANCELLOR.	LORD PARKER OF WADDINGTON.
LORD MOULTON.	LORD SUMNER.

Delivered by THE LORD CHANCELLOR.

Their Lordships do not propose in this case to recommend that leave to appeal be given. Their functions are not to sit as a Court of Criminal Appeal, and it would be contrary to their constitutional duty to assume that position. A Court of Criminal Appeal can go into questions of evidence and into questions of procedure, and can deal with the case on the same footing as an ordinary Court of Appeal. Their Lordships' functions on the other hand are limited by the principle laid down in *Dillet's Case* (12 App. Cases 459) to something much more narrow, namely, this: that if they find that what has been done has been grossly contrary to the forms of justice, or violates fundamental principles, then they have power to interfere. But in the present case they think there was evidence to go to the jury on all the matters which have been dealt with, and it would be contrary to their duty to

express any opinion as to whether in that state of things the verdict found by the jury was a right one, or the summing up a perfect one. As regards the sentences, it is obvious that the question is one of form only. The learned Judge has given three periods of eight months in one case and three periods of six months in another, taking each offence as a separate offence. Technically, their Lordships think that these were separate offences, and moreover it would have been possible to give a longer term upon any one or the whole of the charges in question. The analogy between this case and other cases which constantly occur in criminal jurisprudence is a perfect one, and their Lordships see no difficulty in treating these as separate offences. Their Lordships will humbly advise His Majesty that the Petition ought to be dismissed.



In the Privy Council.

CLIFFORD AND OTHERS

vs.

THE KING-EMPEROR.

DELIVERED BY THE LORD
CHANCELLOR.

LONDON :

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