

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Petition of Tshingumuzi and another for special leave to appeal to His Majesty in Council from a Judgment of the Native High Court of the Colony of Natal pronounced in the matter of Rex v. Mbombo and others; delivered the 18th March 1908.*

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Present :

THE LORD CHANCELLOR.

LORD MACNAGHTEN.

LORD ROBERTSON.

LORD ATKINSON.

LORD COLLINS.

SIR ARTHUR WILSON.

[*Delivered by the Lord Chancellor.*]

The rule applicable to cases of this kind was laid down in the case of *In re Dillet* in the year 1887 (12 A.C., 459, at p. 467) as follows: "Her Majesty will not review or interfere with the course of criminal proceedings, unless it is shewn that, by a disregard of the forms of legal process, or by some violation of the principles of natural justice, or otherwise, substantial and grave injustice has been done." Their Lordships do not think that anything has been done to bring the present application within that rule. It is impracticable to suppose that in such a case as this of disputed evidence, or where the

question is as to the proper inference to be drawn from the evidence, this Board can judge better than those who have heard the witnesses themselves. The fact that there was a difference of opinion amongst the Judges is not a ground on which, by itself, their Lordships could act in a case like the present. Accordingly their Lordships are unable to advise His Majesty that special leave should be granted.

There will be no order as to costs.

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