

In Re: Kotta Veeraiah and ors.

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Court : Chennai

Decided On : Apr-02-1948

Reported in : 1949CriLJ93; (1948)2MLJ107

Judge : Govinda Menon J.

Appellant : In Re: Kotta Veeraiah and ors.

Judgement :

ORDER

Govinda Menon, J.

1. I am not satisfied that the case against the different accused has received separate and sufficient attention at the hands of the learned Judge. The evidence of the prosecution witnesses in certain respects does not make any distinction between the acts attributed to accused 1 who has now been acquitted and to those attributed to the petitioner here. In a case where a number of people have been jointly tried for an offence under Section 147 along with an offence resulting from specific acts, the lower Court should have considered the evidence against each of the accused separately and given definite findings as regards the presence and part taken by each. Moreover, there are inconsistencies and discrepancies even as regards the evidence relating to the part attributed to some. For example, as against accused 6, 7, 9 and 11 the witnesses are not quite uniform in their depositions. In these circumstances, I get aside the order of the

lower appellate Court only as regards the present petitioners and direct that the appeal-be re-heard and disposed of according to law.

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