

In Re: Muthukaruppa Servai

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SooperKanoon Citation : sooperkanoon.com/777848

Court : Chennai

Decided On : Aug-23-1928

Reported in : (1928)55MLJ626

Appellant : In Re: Muthukaruppa Servai

Judgement :

ORDER

Reilly, J.

1. It is alleged by the petitioner, and his allegation is supported by the pleaders who appeared before the Sub-Magistrate and is not denied by the Public Prosecutor, that, when at the conclusion of the evidence the petitioner's pleader wished to argue the case for his client, the Sub-Magistrate refused to hear him.
2. The petitioner had a right to be heard through the pleader who was defending him, and the Magistrate's denial of that right to him cannot be regarded as a mere irregularity, as is suggested for the Public Prosecutor.
3. The conviction and sentence are set aside. The case will be re-tried by such Magistrate as the District Magistrate directs.
4. The petitioner will remain on bail as at present.