

In Re: Andi thevan

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Court : Chennai

Decided On : Dec-07-1948

Reported in : AIR1949Mad650; 1949CriLJ933

Judge : Subba Rao and; Panchapakesa Ayyar, JJ.

Appellant : In Re: Andi thevan

Judgement :

Subba Rao, J.

1. This is a reference under Section 307, Criminal P. O. by the Assistant Sessions Judge, Madura. The four accused in the case were charged with an offence under Section 395, Penal Code. The jury by a majority of four to one found that accused 1 to 3 were not guilty, and unanimously found that the fourth accused was not guilty. The learned Assistant Sessions Judge agreed with the verdict of the jury so far as accused 2 to 4 were concerned, but in regard to accused no. 1 he differed from the verdict of the jury and referred this case to the High Court. The evidence against the first accused mainly consists of the oral evidence of p. ws. 8 to 5. The same evidence also was relied upon by the prosecution in regard to accused 2 to 4. The charge to the jury was very fair: and, in accordance with the directions given by the Judge, the jury appreciated the evidence and refused to believe the witnesses called by the prosecution. The law on the point is well settled. The High Court, in a reference made under Section 807, Criminal P. C, can interfere with the

verdict of the jury only if the verdict is such that no reasonable man would come to that conclusion, or, to put it in other words, the verdict is perverse. We cannot Bay on the evidence on record that the verdict in this caso is such that no reasonable man would come to a conclusion which the jury has come to in this case. We, therefore, reject the reference and acquit accused No. 1 also.

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