

Thandavan Vs. Perianna

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SooperKanoon Citation : sooperkanoon.com/782562

Court : Chennai

Decided On : Aug-07-1890

Reported in : (1891)ILR14Mad363

Judge : Arthue J.H. Collins, Kt., C.J. and ;Weir, J.

Appellant : Thandavan

Respondent : Perianna

Judgement :

1. This is a petition to revise the judgment of the Sessions Court of Coimbatore acquitting a person accused of an offence under Section 471 of the Penal Code. In cases of acquittal by a Sessions Court, the law allows an appeal on behalf of the Government and the reason for such a provision is obvious. The present is, however, the case of a private prosecutor seeking to put the Court in motion to revise an acquittal deliberately arrived at by the Sessions Judge concurring with the assessors. An appeal against an acquittal by way of revision is, in our opinion, not contemplated by the Code, and it should, we think, on public grounds, be discouraged.

2. Acting, therefore, under the discretionary power given in Section 440, Criminal Procedure Code, we decline to hear the learned Counsel who appears to support the petition, and we dismiss the application.

