

In Re: K.G. Mahadevan

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SooperKanoon Citation : sooperkanoon.com/784442

Court : Chennai

Decided On : Jul-17-1947

Reported in : AIR1948Mad102; (1947)2MLJ307

Appellant : In Re: K.G. Mahadevan

Judgement :

ORDER

Rajamannar, J.

1. An appealable sentence has been awarded in this case. In such a case under Section 362(1) of the Code of Criminal Procedure the learned Magistrate shall take down the evidence of the witnesses and such evidence shall form part of the record. But evidently this procedure was not followed and when an application was made by the advocate for the accused for copy of the evidence he was informed that the evidence was not recorded as the case was being heard summarily. The notes taken down by the learned Magistrate were not evidently intended to be a record of evidence as contemplated by Section 362(1) of the Code of Criminal Procedure because some of the statements are in the third person. No endorsement is made with respect to P. W. 3's evidence if there was any cross-examination.

2. In these circumstances the trial was bad. The conviction and sentence are set aside and the case is sent back for trial de novo by the Second Presidency

Magistrate, George Town, Madras.

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