

In Re: Andi thevan

In Re: Andi thevan

SooperKanoon Citation : sooperkanoon.com/785010

Court : Chennai

Decided On : Feb-07-1948

Reported in : (1949)1MLJ182

Appellant : In Re: Andi thevan

Judgement :

Subba Rao, J.

1. This is a reference under Section 307 of the Code of Criminal Procedure by the Assistant Sessions Judge, Madura. The four accused in the case were charged with an offence under Section 395 of the Indian Penal Code. The Jury by a majority of four to one found that the 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. 3 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 307 of the Code of Criminal Procedure 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 say on the evidence on record that the verdict in this case 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.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com