

In Re: Ramalinga Odayar

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SooperKanoon Citation : sooperkanoon.com/792058

Court : Chennai

Decided On : Sep-20-1928

Reported in : 113Ind.Cas.672; (1929)56MLJ600

Appellant : In Re: Ramalinga Odayar

Judgement :

ORDER

Reilly, J.

1. I do not agree with the Additional District Magistrate that the provisions of Section 231 of the Code of Criminal Procedure are inapplicable to cases to which Section 228 applies. Under Section 231 of the Code of Criminal Procedure the accused had the right to re-call prosecution witnesses after the alteration of the charge even if that alteration could not affect his defence, as the Magistrate supposes, and the Magistrate had no discretion in the matter. The witnesses whom the accused wishes to re-call will be re-called.