

In Re: Narappa Reddy and ors.

In Re: Narappa Reddy and ors.

SooperKanoon Citation : sooperkanoon.com/794182

Court : Chennai

Decided On : Feb-16-1933

Reported in : AIR1934Mad202; 145Ind.Cas.306

Appellant : In Re: Narappa Reddy and ors.

Judgement :

ORDER

Burn, J.

1. The direction of the learned Sessions Judge, remanding the case for a de novo trial, is without jurisdiction. The counter.petitioners have not been convicted so that Section 423(1)(b), Criminal P.C., does not apply. This is a case of an appeal from an order other than an order of acquittal or conviction, and therefore under Section 423(1)(c) the learned Sessions Judge could alter or reverse such order and under Section 423(1)(d) he could make any consequential order that might be just or proper. He could not order a de novo inquiry.

2. The learned Sessions Judge's reversal of the order of the learned Sub-divisional Magistrate is correct for the reasons given by him. The consequential order that should be made is that the learned Sub-divisional Magistrate should, after hearing both sides, write a proper judgment in the light of the observations of the learned Sessions Judge. That order I now make. The order for de novo inquiry is set aside as being without jurisdiction.

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