

In Re: A. Mutyalu

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Court : Chennai

Decided On : Sep-03-1912

Reported in : (1914)ILR37Mad236

Judge : Ayling and ;Napier, JJ.

Appellant : In Re: A. Mutyalu

Judgement :

1. The Judge has referred the case under Section 307, Criminal Procedure Code, on the ground that the evidence establishes an offence under Section 326, Indian Penal Code.
2. On a consideration of the evidence and giving due weight to his opinions and that of the jury we think this is so.
3. According to the view taken by this Court in Queen-Empress v. Anga Valayan I.L.R. (1899) Mad. 15 and King-Emperor v. Krishna Ayyar (1901) 24 Mad. 641, it would have been open to the jury in this case to have convicted the accused of an offence under Section 326, Indian Penal Code, and the same view was taken by Bhashyan Ayykngar, J. in Pattikadan Ummaru v. Emperor (1903) 26 Mad. 243 though BENSON, J. was of a different opinion. We follow these decisions and deem ourselves empowered under Section 307, Criminal Procedure Code, to convict the accused of an offence under Section 326, Indian Penal Code, which we accordingly do--and sentence him to 5 (five) years rigorous imprisonment. The

stab on the abdomen was a very serious wound, which might have ended fatally.

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