

In Re: Suppaya Tharagan

In Re: Suppaya Tharagan

SooperKanoon Citation : sooperkanoon.com/796853

Court : Chennai

Decided On : Nov-26-1912

Reported in : (1914)ILR37Mad317

Judge : Benson and ;Sundara Ayyar, JJ.

Appellant : In Re: Suppaya Tharagan

Judgement :

ORDER

1. We are unable to agree with the Sessions Judge that there was any illegality in the order of THOMAS, the Magistrate, under Section 476, Criminal Procedure Code, on the 15th January 1912.
2. His omission to at once direct the accused to be taken before the nearest First Class Magistrate was at most an irregularity, which was set right by the subsequent order directing him to be taken before such Magistrate. Such irregularity is expressly cured by Section 537(b), Criminal Procedure Code. We are unable to agree with the view taken by Stanley, C.J., in In the matter of the petition of Bhup Kunwar I.L.R. (1904) All. 256 with reference to the construction of that clause.
3. We set aside the order of acquittal made by the Sessions Judge and direct him to restore the appeal to his file and dispose of it according to law.

