

Pajerla Krishna Reddi

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Court : Chennai

Decided On : Dec-03-1951

Reported in : AIR1952Mad839; (1952)IMLJ286

Judge : Panchapakesa Ayyar, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 337 and 337(3)

Appeal No. : Criminal Misc. Petn. No. 2481 of 1951

Appellant : Pajerla Krishna Reddi

Advocate for Def. : Santhanam, Adv. for ;Public Prosecutor

Advocate for Pet/Ap. : A. Ramachandran, Adv., i/b., Row & Reddy

Disposition : Petition dismissed

Judgement :

ORDER

Panchapakesa Ayyar, J.

1. The petitioner is an approver, and neither an accused nor a mere witness. He was in remand when he was tendered a pardon as an approver and accepted it. So he must be detained in custody under Section 337(3), Criminal Procedure Code, till the termination of the trial if committal ensues, or till the termination of

the enquiry if committal does not ensue.

2. The fact that he is said to have turned hostile is immaterial. Approvers are 'approvers' whether they are true to their word or turn hostile. Their character cannot be changed till the termination of the trial or enquiry in which they have been tendered and have accepted a pardon. They cannot throw away the pardon and get rid of their obligations like an advocate throwing away his brief. There are certain legal statuses like husband, wife, father, mother, son, approver etc., which cannot be thrown away at will. As even the enquiry is not yet over, the approver must remain in detention; if committal ensues, the detention will till the termination of the trial. That other accused have been let off on bail is immaterial as he is not an accused; that other witnesses are not detained in custody is immaterial as he is not a mere witness but an approver-witness subject to the mandatory provisions of Section 337(3), Criminal Procedure Code. This petition deserves to be and is hereby dismissed.

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