

In Re: Sangili Velan

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Court : Chennai

Decided On : Sep-02-1943

Reported in : AIR1944Mad498

Appellant : In Re: Sangili Velan

Judgement :

ORDER

Kuppuswami Ayyar, J.

1. This is a reference by the learned Sessions Judge of Trichinopoly with regard to the commitment of the accused in C. c. No. 526 of 1943 on the file of the Stationary Sub-Magistrate of Lalgudi. The accused in that case was charged with having committed theft. The Magistrate tried him as in a war-rant case, found him guilty, convicted him of the offence of theft, and as he was an old offender he committed the accused to sessions. It is pointed out by the learned Sessions Judge that after having found him guilty, he ought not to have committed the accused to the Sessions Court. It was open to him to send the papers to a First Class Magistrate] for passing an enhanced sentence in view of the fact that the accused was an old offender. Instead of doing so he committed him to sessions. This is irregular, especially as the provisions relating to the enquiry into offences as laid down under Chap. 18, Criminal P.C., had not been followed. The conviction and sentence are therefore set aside and the case remanded to the file of the Stationary Sub-Magistrate of Lalgudi for being dealt with according to law.

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