

In Re: Bommareddi Somireddi

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SooperKanoon Citation : sooperkanoon.com/805790

Court : Chennai

Decided On : Feb-02-1910

Reported in : 5Ind.Cas.974a

Judge : Arnold White, C.J.

Appellant : In Re: Bommareddi Somireddi

Judgement :

ORDER

Arnold White, C.J.

1. Here the 1st accused was charged under Sections 447 and 352 of the Penal Code and convicted by the Stationary Sub-Magistrate under those sections. On appeal the Deputy Magistrate without expressing any opinion as to whether those convictions were right convicted the accused under Section 379 of the Penal Code. There is no reference in the judgment of the Stationary Sub-Magistrate to any evidence on which a charge of theft could be based and the accused had no opportunity of answering the charge of theft. The charge of theft is a distinct and separate charge and should have been separately made. If authorities are needed for this, I need only refer to the case of Jatu Singh v. Mahbir Singh 27 Ca. 660 and Yakub All v. Lethu Thakur 30 C. 288. I think the conviction on appeal by the Deputy Magistrate was bad and I must set it aside. I direct the Magistrate to restore the appeal to his file and dispose of it according to law.

