

**In Re : Kunta Gowramma**

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**Court :** Chennai

**Decided On :** Dec-07-1950

**Reported in :** 1952CriLJ1057; (1951)IIMLJ31

**Judge :** Govinda Menon, J.

**Appellant :** In Re : Kunta Gowramma

**Judgement :**

ORDER

**Govinda Menon, J.**

1. The petitioner who was convicted by the Additional First Class Magistrate of Bapatla and sentenced to a term of imprisonment of one year appeal from jail to the Sessions Court of Guntur and that appeal came on for hearing on 26th October 1949 when the learned Sessions Judge after looking into the records, dismissed the appeal confirming the conviction and sentence. But, on 4.10.1949, the petitioner through her counsel Mr. Narasimha Rao had filed Criminal App. No. 110 of 1949 which, after notice to the Public Prosecutor, was posted for hearing to the 27th October 1949. When Criminal App. No. 110 of 1949 came up for disposal it was brought to the notice of the learned Sessions Judge that an appeal had been disposed of on the previous day and therefore, holding that he had no jurisdiction to hear the appeal preferred by the counsel the learned Judge dismissed it and hence this revision.

2. Mr. N. Subrahmanyam on behalf of the petitioner contends that the procedure adopted by the learned Sessions Judge is illegal, and irregular because once the appeal preferred by the counsel is in the archives of the Court and when it is pending after notice to the Public Prosecutor is given, the Court had no jurisdiction to dismiss the Jail appeal without affording an opportunity to the counsel to argue the case. This contention is perfectly correct. It is as if there were two appeals By the same individual and so a Court cannot dispose of an appeal without affording an opportunity to the accused person to argue his case if he is represented by counsel. Therefore, the disposal of the jail appeal on 26th October 1949 was without jurisdiction. If that disposal is without jurisdiction then the dismissal of Appeal No. 110 of 1949 on 27th October 1949 is irregular. The orders of the learned Sessions Judge in Appeal No. 110 of 1949 and Appeal No. 118 of 1949, are hereby set aside and the appeals are remanded to the Sessions Judge for disposal according to law.

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