

In Re: Shivappa Higade

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SooperKanoon Citation : sooperkanoon.com/809473

Court : Chennai

Decided On : Oct-12-1909

Reported in : 5Ind.Cas.935

Judge : Munro and ;Abdur Rahim, JJ.

Appellant : In Re: Shivappa Higade

Judgement :

1. The Sessions Judge has seriously misdirected the jury in paragraph 20 of his charge and this in the face of what was laid down by this Court in the judgment in Criminal Appeal No. 592 of 1905. The Sessions Judge told the Jury there was no fores in the argument that the accused may not have foreseen and may not have intended that a dacoity should take place. The Sessions Judge should not have taken the matter out of the hands of the jury in this way. He should have set out the evidence bearing upon the question and left it to the jury to say what was the proper inference to be drawn from that evidence. We set aside the conviction, acquit the accused of offences under Sections 395 and 109 of the Indian Penal Code and direct his immediate release.