

In Re: Manikyam Kondayya and ors.

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Court : Chennai

Decided On : Jan-26-1939

Reported in : AIR1940Mad298

Appellant : In Re: Manikyam Kondayya and ors.

Judgement :

Pandrang Row, J.

1. The appellants have been convicted after a trial with the aid of assessors by the Sessions Judge of East Godavari on various charges and sentenced to undergo various terms of imprisonment which are to run concurrently. The charge against them was that they formed themselves into an unlawful assembly with the common object of causing hurt to the Village Munsif of Anur to which place the appellants belong and in prosecution of that common object, one of the accused, namely accused 1, caused grievous hurt to the Village Munsif with a knife. The other accused -were charged under the same Section, namely Section 326, Penal Code, under the provisions of Section 149, Penal Code. There was also a further charge against accused 1 under Section 23(1), Criminal Tribes Act. There is some doubt as to whether this charge was justified or not as he was not a member of the criminal tribe at the time of his conviction, though he was a member at the time of the occurrence. The Section seems to relate to the time of conviction and not to the time of the occurrence which is the subject-matter of the case which ends in his conviction. The conviction of accused 1 under Section 23(1), Criminal Tribes

Act, will be set aside and the sentence thereunder also and he is acquitted of that offence. But this will not make any material difference because there are convictions of accused 1 under Sections 148 and 326, Penal Code, and sentences of the same description under those Sections as the sentence under Section 23(1), Criminal Tribes Act.

* * * *

2. The appeal is therefore dismissed under Section 423, Criminal P.C.

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