

In Re: Mantri Kamaraju

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Court : Chennai

Decided On : Apr-23-1909

Reported in : 2Ind.Cas.128

Judge : Ralph Benson, J.

Appellant : In Re: Mantri Kamaraju

Judgement :

ORDER

Ralph Benson, J.

1. The order of the Sessions Judge staying the trial of Sessions Cases Nos. 47 to 49 of 1908, pending appeal, if any, by the accused against the conviction in Sessions Cases Nos. 44 to 46 of 1908 is not warranted by Section 240 of the Criminal Procedure Code, under which it purports to have been made.

2. The opening words of that section make it clear that it is only applicable to joinder of charges in the same case, not to separate charges of distinct offences tried separately as in the present case. This was ruled in the unreported case Queen v. Sadia Unrep. Cr. Cas. Bom. p. 362

3. It may be observed that the Sessions Judge might have attained the desired object by adjourning the trial under Section 344, Criminal Procedure Code, pending appeal, if any, in the other cases and the result thereof. Under Section

494, Criminal Procedure Code, the Public Prosecutor, might, with the consent of the Court, have withdrawn from the prosecution and may still do so, if so advised.

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