

In Re: Adala Yerrivadu

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Court : Chennai

Decided On : Dec-14-1911

Reported in : 13Ind.Cas.216

Judge : Sundara Aiyar and ;Spencer, JJ.

Appellant : In Re: Adala Yerrivadu

Judgement :

ORDER

1. The Sub Divisional Magistrate, in his order, says the accused is a youth of poor wits, clouded all the more by his born infirmity, and never knew or apprehended that such serious consequences would ensue. And, again, in his letter of reference, he says that he was not able to make the accused understand anything or to understand anything from him, and that he appeared to be utterly ignorant of the grave consequence of his act.

2. These observations make us doubt whether, as a matter of fact, the accused was not a lunatic at the time of the trial and also at the time that he committed the act which is charged as an offence against him.

The Sub-Divisional Magistrate should hold an inquiry into the question whether the accused was a lunatic at either of these times under Chapter XXXIV, Criminal Procedure Code. If he finds that he was not a lunatics on either of the occasions, he will then, as required by Section 341, Criminal Procedure Code, try the accused

or commit him to the Sessions Court for trial.

3. If he convicts him, he will then make a report to this Court under that section.

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