

In Re: Cherukath Mammad and ors.

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SooperKanoon Citation : sooperkanoon.com/821760

Court : Chennai

Decided On : Apr-15-1915

Reported in : AIR1916Mad1125; 29Ind.Cas.336

Judge : Kumaraswami Sastri, J.

Appellant : In Re: Cherukath Mammad and ors.

Judgement :

Kumaraswami Sastri, J.

1. The Joint Magistrate has not considered the question of possession, or found that the accused had any common object. There were 20 accused; but the Joint Magistrate has not considered the case of each accused or evidence. The whole case is disposed of in two short paragraphs. In *Jamait Mullick v. Emperor* 35 C.P 138 : 12 C.W.N. 134 : 6 Cri. L.J. 427 it was held that when there are several accused, it must appear on the face of the judgment that the case against each of the accused has been taken into consideration and reasons should be given, as far as may be necessary, to show that the Appellate Court has devoted judicial attention to the case of each of the accused'. *Farkan v. Somsher Mahomed* 22 C.P 241 is also in point.

2. I set aside the judgment of the Appellate Court and direct that the appeal be re-tried and judgment written according to law.

