

(1911) 07 MAD CK 0012
In the Madras High Court
In Re: Thota Narayadu

Date of Decision : 20-07-1911

Acts Referred:

Citation : (1911) 21 MLJ 755

Hon'ble Judges : Abdur Rahim, J

Bench : Division Bench

Judgement

Abdur Rahim, J.—The Village Magistrate does not appear in these proceedings. The affidavit alleges that the complainant in the case in which the petitioner has been convicted by the Village Magistrate is a servant of the Village Magistrate and that the complaint was instituted at the instance of the latter between whom and the petitioner there has existed enmity for some time. The petitioner applied to the Magistrate for adjournment in order to move the High Court for a transfer, but the application was refused and the petitioner was tried and convicted the same day. It does not appear that there was good reason for the refusal of the adjournment, and under the circumstances I must hold that the Village Magistrate was not justified in trying the accused. The Cr.P.C. does not apply to these proceedings, but the facts of the case shew that there have been serious irregularities in the trial. I therefore set aside the conviction and sentence and direct that the accused be tried by the Sub-Magistrate of Darsi.