

(1951) 10 MAD CK 0018
In the Madras High Court

Oruganti Hanumappa

APPELLANT

Vs

The State and Ans.

RESPONDENT

Date of Decision : 19-10-1951

Acts Referred:

Citation : (1951) 2 MLJ 662

Hon'ble Judges : Ramaswami, J

Bench : Single Bench

Judgement

Ramaswami, J.—In this warrant case, after a charge has been framed, on the death of the complainant, there is no termination of all the proceedings, as seems to have been assumed by the Magistrate below. The order made by the Magistrate is, therefore, undoubtedly illegal.

2. The further question which has to be considered, after coming to that conclusion is, should I in revision formally set aside the acquittal and direct the Magistrate to continue the trial from the point at which he was when he passed the order of acquittal.

3. This I am not prepared to do, for the two reasons, that on the same cause of action a civil suit has been filed by the petitioner against the respondent and a decree is stated to have been obtained, and the matter is said to be Under appeal. Secondly this criminal case itself has arisen in 1949 and today we are at the end of 1951.

4. It would not be proper exercise of revisional jurisdiction to order further enquiry in these circumstances. This petition is, therefore, disposed of in these terms without making any further order regarding enquiry.