

(1890) 08 MAD CK 0002
In the Madras High Court

Thandavan

APPELLANT

Vs

Perianna

RESPONDENT

Date of Decision : 07-08-1890

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 440

Citation : (1891) ILR (Mad) 363

Hon'ble Judges : Weir, J;Arthue J.H. Collins, J

Bench : Division Bench

Judgement

1. This is a petition to revise the judgment of the Sessions Court of Coimbatore acquitting a person accused of an offence u/s 471 of the Penal

Code. In cases of acquittal by a Sessions Court, the law allows an appeal on behalf of the Government and the reason for such a provision is

obvious. The present is, however, the case of a private prosecutor seeking to put the Court in motion to revise an acquittal deliberately arrived at

by the Sessions Judge concurring with the assessors. An appeal against an acquittal by way of revision is, in our opinion, not contemplated by the

Code, and it should, we think, on public grounds, be discouraged.

2. Acting, therefore, under the discretionary power given in Section 440, Criminal Procedure Code, we decline to hear the learned Counsel who

appears to support the petition, and we dismiss the application.